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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय

(राजस्व विभाग)

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 8 सितम्बर, 2006

(आयकर)

का.आ. 4174.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23 ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि “श्री रामकृष्ण आश्रम, 24 परगना (दक्षिण) पश्चिम बंगाल” (इसके बाद “संस्था” कहा गया है) की ओर से किसी व्यक्ति द्वारा प्राप्त की गई कोई आय निम्नलिखित शर्तों के अध्वधीन कर निर्धारण वर्ष 2004-2005 से 2006-2007 तक के लिए ऐसे व्यक्ति की सकल आय में कराधेय आय के रूप में शामिल नहीं की जाएगी :

- संस्था अपनी आय का इस्तेमाल अथवा इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहां इसकी पंद्रह प्रतिशत से अधिक आय 1 अप्रैल, 2002 के पहले दिन को या उसके पश्चात् एकत्र की गई है, इसकी आय के चयन की राशि के पंद्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पांच वर्ष से अधिक नहीं होनी चाहिए;
- संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुशिक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगी अथवा उसे जमा नहीं करेगी;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हों जब तक कि ऐसे कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (iv) संस्था आय कर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष दाखिल करेगी;
- (v) विघटन की स्थिति में संस्था की अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले किसी संगठन को दे दी जाएंगी।

यह अधिसूचना संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ताओं की किसी अन्य प्राप्ति अथवा आय पर। संस्था की आय की कराधेयता अथवा अन्यथा पर, आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक रूप से विचार किया जाएगा।

[अधिसूचना सं. 245/2006/फा. सं. 197/81/2006-आयकर-नि.-I]

दीपक गर्ग, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

(Central Board of Direct Taxes)

New Delhi, the 8th September, 2006

(INCOME TAX)

S.O. 4174. — In exercise of powers conferred by the Sub-clause (iv) of the Clause (23C) of Section 10 of the Income tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of “**Sri Ramkrishna Ashram, 24 Parganas (South), West Bengal**” (hereinafter the “Institution”) shall not be included in the total income of such person as assessable for the Assessment Years **2004-05 to 2006-07** subject to the following conditions :

- (i) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (ii) the Institution will not invest or deposit its fund (other than voluntary contribution received and maintained in the form of jewellery, furniture, etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of the Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;
- (iv) the Institution will regularly file its return of income before the Income tax authority in accordance with the provisions of the Income tax Act, 1961;
- (v) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organization with similar objectives.

This notification is applicable only to the recipients of income on behalf of the Institution' and not to any other receipt or income of such recipients. Taxability or otherwise of the income of the Institution would be separately considered as per the provisions of the Income tax Act, 1961.

Notification No. 245/2006/F.No. 197/81/2006-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 15 सितम्बर, 2006

(आयकर)

का.आ. 4175.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23 ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि “**लीशिकुंग क्रिश्चियन हास्पिटल एसोशिएशन, मणिपुर**” (इसके बाद “संस्था” कहा गया है) की ओर से किसी व्यक्ति द्वारा प्राप्त की गई कोई आय निम्नलिखित शर्तों के अध्वधीन कर निर्धारण वर्ष 2006-2007 से 2008-2009 तक के लिए ऐसे व्यक्ति की सकल आय में कराधेय आय के रूप में शामिल नहीं की जाएगी :

- (i) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहां इसकी पंद्रह प्रतिशत से अधिक आय 1 अप्रैल, 2002 के पहले दिन को या उसके पश्चात् एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पांच वर्ष से अधिक नहीं होनी चाहिए;
- (ii) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगी अथवा उसे जमा नहीं करेगी;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (iv) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष दाखिल करेगी;
- (v) विघटन की स्थिति में संस्था की अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

यह अधिसूचना संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी प्राप्ति अथवा आय पर। संस्था की कराधेयता अथवा अन्यथा आय पर, आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक रूप से विचार किया जाएगा।

[अधिसूचना सं. 268/2006/फा. सं. 197/90/2006-आयकर नि.-1]

दीपक गर्ग, अवर सचिव

New Delhi, the 15th September, 2006

(INCOME TAX)

S.O. 4175.—In exercise of powers conferred by the sub-clause (iv) of the Clause (23C) of Section 10 of the Income tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of “Leishiphung Christian Hospital Association, Manipur” (hereinafter the “Institution”) shall not be included in the total income of such person as assessable for the Assessment Years 2006-07 to 2008-09 subject to the following conditions :

- (i) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (ii) the Institution will not invest or deposit its fund (other than voluntary contribution received and maintained in the form of jewellery, furniture, etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of the Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;
- (iv) the Institution will regularly file its return of income before the Income tax authority in accordance with the provisions of the Income tax Act, 1961;
- (v) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organization with similar objectives.

This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability or otherwise of the income of the Institution would be separately considered as per the provisions of the Income tax Act, 1961.

[Notification No. 268/2006/F. No. 197/90/2006-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 18 सितम्बर, 2006

(आयकर)

का.आ. 4176.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23 ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि “मुख्य मंत्री राहत कोष, मंत्रालय, मैडम कामा रोड, मुम्बई” (इसके बाद “संस्था” कहा गया है) की ओर से किसी व्यक्ति द्वारा प्राप्त की गई कोई आय निम्नलिखित शर्तों के अध्वधीन कर निर्धारण वर्ष 2005-2006 से 2007-2008 तक के लिए ऐसे व्यक्ति की सकल आय में कराधेय आय के रूप में शामिल नहीं की जाएगी :

- (i) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहां इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन में या उसके पश्चात् आय एकत्र की गई है, इसकी आय के चयन की राशि के पंद्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पांच वर्ष से अधिक नहीं होनी चाहिए;
- (ii) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगी अथवा उसे जमा नहीं करेगी;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएँ नहीं रखी जाती हों;
- (iv) संस्था आय कर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगी;
- (v) विघटन की स्थिति में संस्था की अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले किसी धर्मार्थ को दे दी जाएंगी।

यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी प्राप्ति अथवा आय पर। संस्था की कराधेयता अथवा अन्यथा आय पर, आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक रूप से विचार किया जाएगा।

[अधिसूचना सं. 269/2006/फा. सं. 197/49/2006-आयकर नि.-I]

दीपक गर्ग, अवर सचिव

New Delhi, the 18th September, 2006

(INCOME TAX)

S.O. 4176.—In exercise of powers conferred by the sub-clause (iv) of the Clause (23C) of Section 10 of the Income tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of “Chief Minister’s Relief Fund, Mantralaya, Madam Cama Road, Mumbai” (hereinafter the “Institution”) shall not be included in the total income of such person as assessable for the Assessment Years 2005-2006 to 2007-2008 subject to the following conditions :

- (i) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (ii) the Institution will not invest or deposit its fund (other than voluntary contribution and maintained in the form of jewellery, furniture, etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of the Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;
- (iv) the Institution will regularly file its return of income before the Income Tax Authority in accordance with the provisions of the Income Tax Act, 1961;
- (v) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organization with similar objectives.

This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability or, otherwise of the income of the Institution would be separately considered as per the provisions of the Income Tax Act, 1961.

[Notification No. 269/2006/F. No. 197/49/2006-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 21 सितम्बर, 2006

(आयकर)

का.आ. 4177,—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23 ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि “आर्गेनाइजेशन ऑफ फार्मासियुटिकल प्रोड्यूसर्स ऑफ इंडिया, मुम्बई” (इसके बाद “संस्था” कहा गया है) की ओर से किसी व्यक्ति द्वारा प्राप्त की गई कोई आय निम्नलिखित शर्तों के अधीन कर निर्धारण वर्ष 2001-2002 से 2003-2004 तक के लिए ऐसे व्यक्ति की सकल आय में कराधेय आय के रूप में शामिल नहीं की जाएगी :

- (i) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्वयता उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहां इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन में या उसके पश्चात् आय एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पांच वर्ष से अधिक नहीं होनी चाहिए;
- (ii) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वेच्छिक अंशदान से भिन्न) का निवेश नहीं करेगी अथवा उसे जमा नहीं करेगी ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (iv) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगी;
- (v) विघटन की स्थिति में संस्था की अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी अन्य प्राप्ति अथवा आय पर संस्था की कराधेयता अथवा अन्यथा आय पर, आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक रूप से विचार किया जाएगा।

[अधिसूचना सं. 272/2006/फा. सं. 197/62/2006-आयकर नि.-I]

दीपक गर्ग, अवर सचिव

New Delhi, the 21st September, 2006

(INCOME TAX)

S.O. 4177.—In exercise of powers conferred by the Sub-clause (iv) of the Clause (23C) of Section 10 of the Income tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of “Organisation of Pharmaceutical Producers of India, Mumbai” (hereinafter the “Institution”) shall not be included in the total income of such person as assessable for the Assessment Years 2001-2002 to 2003-2004 subject to the following conditions :

- (i) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (ii) the Institution will not invest or deposit its fund (other than voluntary contribution received and maintained in the form of jewellery, furniture, etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in anyone or more of the forms or modes specified in sub-section (5) of the Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;

- (iv) the Institution will regularly file its return of income before the Income tax authority in accordance with the provisions of the Income Tax Act, 1961;
- (v) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organization with similar objectives.

This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability or otherwise of the income of the Institution would be separately considered as per the provisions of the Income Tax Act, 1961.

[Notification No. 272/2006/F. No. 197/62/2006-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 21 सितम्बर, 2006

(आयकर)

का.आ. 4178.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23 ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि “तमिलनाडु ट्रेड प्रमोशन ऑर्गनाइजेशन, चेन्नई” (इसके बाद “संस्था” कहा गया है) की और किसी व्यक्ति द्वारा प्राप्त की गई कोई आय निम्नलिखित शर्तों के अध्वधीन कर निर्धारण वर्ष 2004-2005 से 2006-2007 तक के लिए ऐसे व्यक्ति की सकल आय में कराधेय आय के रूप में शामिल नहीं की जाएगी :

- (i) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहां इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन या उसके पश्चात् आय एकत्र की गई है, इसकी आय के संचयन की राशि के पन्द्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पांच वर्ष से अधिक नहीं होनी चाहिए;
- (ii) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगी अथवा उसे जमा नहीं करेगी;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (iv) संस्था आय कर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाईल करेगी;
- (v) विघटन की स्थिति में संस्था अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी प्राप्ति अथवा आय पर ; संस्था की आय की कराधेयता अथवा अन्यथा पर, आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक रूप से विचार किया जाएगा।

[अधिसूचना सं. 273/2006/फा. सं. 197/91/2006-आयकर नि.-I]

दीपक गर्ग, अवर सचिव

New Delhi, the 21st September, 2006

(INCOME TAX)

S.O. 4178.— In exercise of powers conferred by the Sub-clause (iv) of the Clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of “Tamil Nadu Trade Promotion Organisation, Chennai” (hereinafter the “Institution”) shall not be included in the total income of such person as assessable for the Assessment Years 2004-2005 to 2006-2007, subject to the following conditions :

- (i) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (ii) the Institution will not invest or deposit its fund (other than voluntary contribution received and maintained in

the form of jewellery, furniture, etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of the Section 11;

- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;
- (iv) the Institution will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organization with similar objectives.

This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability or otherwise of the income of the Institution would be separately considered as per the provisions of the Income-tax Act 1961.

[Notification No. 273/2006/F. No. 197/91/2006-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 11 अक्टूबर, 2006

(आयकर)

का.आ. 4179.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23 ग) के उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि “नानदेड़ सिख गुरुद्वारा तखत सखखंड श्री हज़ूर अब्बल नगर साहिब, नानदेड़” (इसके बाद “संस्था” कहा गया है) की ओर से किसी व्यक्ति द्वारा प्राप्त की गई कोई आय निम्नलिखित शर्तों के अधीन कर निष्पत्ति वर्ष 2003-2004 से 2005-2006 तक के लिए ऐसे व्यक्ति की सकल आय में कराधेय आय के रूप में शामिल नहीं की जाएगी :

- (i) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहां इसकी पंद्रह प्रतिशत से अधिक आय 1 अप्रैल, 2002 के पहले दिन में या उसके पश्चात् आय एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पांच वर्ष से अधिक नहीं होनी चाहिए;
- (ii) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगी अथवा उसे जमा नहीं करेगी;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (iv) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में संस्था की अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी अन्य प्राप्ति अथवा आय पर। संस्था की कराधेयता अथवा अन्यथा आय पर, आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक् रूप से विचार किया जाएगा।

[अधिसूचना सं. 286/2006/फा. सं. 197/122/2005-आयकर नि.-I]

दीपक गर्ग, अवर सचिव

New Delhi, the 11th October, 2006

(INCOME TAX)

S.O. 4179.—In exercise of powers conferred by the Sub-clause (v) of the Clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of “Nanded Sikh Gurudwara Takhat Sachkhand Shri Hazur Abchal Nagar Sahib, Nanded” (hereinafter the “Institution”) shall not be included in the total income of such person as assessable for the Assessment Years 2003-2004 to 2005-2006,

subject to the following conditions :

- (i) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (ii) the Institution will not invest or deposit its fund (other than voluntary contribution received and maintained in the form of jewellery, furniture, etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of the Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;
- (iv) the Institution will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax, Act, 1961;
- (v) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organization with similar objectives.

This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability or otherwise of the income of the Institution would be separately considered as per the provisions of the Income-tax Act, 1961.

[Notification No. 286/2006/F. No. 197/122/2005-ITA-I]

DEEPAK GARG, Under Secy.

कार्यालय मुख्य आयकर आयुक्त

जोधपुर, 25 सितम्बर, 2006

सं. 1/2006-07

का.आ. 4180.—आयकर अधिनियम, 1961 (1961 का 43वां) की धारा 10 के खंड (23 ग) के उपखंड (vi) के साथ पठित आयकर नियमावली, 1962 के नियम 2गक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मुख्य आयकर आयुक्त, जोधपुर एतद्वारा "लाला कमलापत सिंघानिया एज्युकेशन संस्थान, गोटेन, जिला-नागौर (राजस्थान)" को उक्त धारा के प्रयोजनार्थ निर्धारण वर्ष 2007-2008 से 2009-2010 तक के लिए अनुमोदित करते हैं :

यह अनुमोदन इस शर्त के अधीन है कि संस्था, आयकर अधिनियम, 1961 की धारा 10 के खंड (23 ग) के उप खण्ड (vi) सहपठित आयकर नियमावली, 1962 के नियम 2ग के प्रावधानों की निरन्तर अनुपालन करती रहेगी ।

[क्रमांक : मुआआ/जो./आ अ(तक.)/10(23 ग)(vi)/2006-07]

एस.के.एस. रावत, मुख्य आयकर आयुक्त

OFFICE OF THE CHIEF COMMISSIONER OF INCOME TAX

Jodhpur, the 25th September, 2006

No. 1/2006-07

S.O. 4180. — In exercise of the powers conferred by Sub-clause (vi) of Clause (23C) of Section 10 of the Income tax Act, 1961 (43 of 1961), read with Rule 2CA of the Income-tax Rules, 1962, I, the Chief Commissioner of Income-tax, Jodhpur, hereby approve "Lala Kamlapat Singhania Education Sansthan, Gotan, District Nagaur (Rajasthan)" for the purpose of the said section for the assessment years 2007-08 to 2009-10.

This approval is subject to the Institute's continued compliance with the provisions of sub-clause (vi) of clause (23C) of Section 10 of the Income-tax Act, 1961 read with Rule 2CA of the Income-tax Rules, 1962.

[No. CCIT/JU/TIO(Tech.)/10(23C)(vi)/2006-07]

S.K.S. RAWAT, Chief Commissioner of Income-tax

कांवालय मुख्य आयकर आयुक्त

उदयपुर, 18 अक्टूबर, 2006

सं. 2/34/2006-07

कां.आ. 4181.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23 ग) की उपधारा (vi) के साथ पठित आयकर नियमावली, 1962 के नियम 2 गक के द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए मुख्य आयकर आयुक्त, उदयपुर "बनस्थली विद्यापीठ, बनस्थली, जिला-टोंक" को उक्त धारा के प्रयोजन हेतु निर्धारण वर्ष 2005-2006 से 2007-2008 तक के लिए अनुमोदन करते हैं :

परन्तु यह तब जब की सोसायटी आयकर अधिनियम, 1961 की धारा 10 के खण्ड (23 ग) की उप धारा (vi) के साथ पठित आयकर नियमावली, 1962 के नियम 2 गक के प्रावधानों की पुष्टि एवं अनुपालन करती है।

[संख्या : मु.आ.आ./उदय/आ.अ.(तक.)/2006-07/1861]

विजय रंजन, मुख्य आयकर आयुक्त

OFFICE OF THE CHIEF COMMISSIONER OF INCOME TAX

Udaipur, the 18th October, 2006

No. 2/34/2006-07

S.O. 4181.— In exercise of the powers conferred by Sub-section (vi) of Clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), read with Rule 2CA of the Income-tax Rules, 1962, the Chief Commissioner of Income-tax, Udaipur, hereby approves "Banasthali Vidhyapith Banasthali, Distt. Tonk" for the purpose of said section for the assessment years 2005-06 to 2007-08 :

Provided that the society conforms to and complies with the provisions of Sub-section (vi) of clause (23 C) of Section 10 of the Income-tax Act, 1961, read with Rule 2CA of the Income-tax Rules, 1962.

[No. CCIT/UDR/TTO(Tech.)/2006-07/1861]

VIJAY RANJAN, Chief Commissioner of Income-tax

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 20 अक्टूबर, 2006

कां.आ. 4182.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबन्ध) स्कीम, 1970/1980 के खण्ड 3 के उपखण्ड (1) के साथ पठित बैंककारी कंपनी (उपकर्मों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उपधारा (3) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, नीचे दी गई सारणी के कालम (2) में विनिर्दिष्ट व्यक्तियों को उक्त सारणी के कालम (3) में विनिर्दिष्ट व्यक्तियों के स्थान पर इसके कालम (1) में विनिर्दिष्ट बैंकों के निदेशक के रूप में तत्काल प्रभाव से और अगला आदेश होने तक नामित करती है :-

सारणी

बैंक का नाम	प्रस्तावित व्यक्ति का नाम	विद्यमान निदेशकों के नाम
1	2	3
पंजाब नेशनल बैंक	श्री राकेश सिंह, संयुक्त सचिव (आईएफ), वित्त मंत्रालय, बैंकिंग प्रभाग, जीवन दीप भवन, नई दिल्ली।	श्री के.बी.एल. माथुर
इंडियन बैंक	श्री वी.एस. सेंथिल, संयुक्त सचिव (पीएफ-II), व्यव विभाग, वित्त मंत्रालय, नार्थ ब्लॉक, नई दिल्ली।	श्री राम मुईवा

1	2	3
पंजाब एंड सिंध बैंक	श्रीमती अनिता कपूर, संयुक्त सचिव (टीपीएल), राजस्व विभाग, वित्त मंत्रालय, नार्थ ब्लॉक, नई दिल्ली।	श्री आर.पी. सिंह
आन्ध्रा बैंक	श्री जी.बी. सिंह, उप सचिव (बीओ-1), वित्त मंत्रालय, बैंकिंग प्रभाग, जीवन दीप भवन, नई दिल्ली।	श्री राकेश सिंह

[फा. सं. 9/11/2004-बीओ-1]

जी.बी. सिंह, उप सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 20th October, 2006

S.O. 4182 .—In exercise of the powers conferred by clause (b) of sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980, read with sub-clause (1) of clause 3 of the Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, hereby nominate the persons specified in column 2 of the table below as Directors of the Banks specified in column 1 thereof in place of the persons specified in column 3 of the said table, with immediate effect and until further orders :—

TABLE

(1)	(2)	(3)
Punjab National Bank	Shri Rakesh Singh, Joint Secretary, (IF), Ministry of Finance, Banking Division, Jeevan Deep Building, New Delhi.	Shri K.B.L. Mathur
Indian Bank	Shri V.S. Senthil, Joint Secretary, (PF-II), Department of Expenditure, Ministry of Finance, North Block, New Delhi.	Shri Ram Muivah
Punjab & Sind Bank	Smt. Anita Kapoor, Joint Secretary, (TPL), Department of Revenue, Ministry of Finance, North Block, New Delhi.	Shri R.P. Singh
Andhra Bank	Shri G.B. Singh, Dy. Secretary (BO-I), Ministry of Finance, Banking Division, Jeevan Deep Building, New Delhi.	Shri Rakesh Singh

[F. No. 9/11/2004-BO-I]

G. B. SINGH, Dy. Secy.

नई दिल्ली, 20 अक्टूबर, 2006

का.आ. 4183.—भारतीय स्टेट बैंक, (समनुषंगी बैंक) अधिनियम, 1959 की धारा 25 की उपधारा (1) के खंड (ड) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, वित्त मंत्रालय, आर्थिक कार्य विभाग, बैंकिंग प्रभाग, नई दिल्ली में उप सचिव श्री एस.डी.एस. मिन्हास को तत्काल प्रभाव से और अगले आदेशों तक स्टेट बैंक आफ मैसूर के निदेशक मंडल में श्री जी.बी. सिंह के स्थान पर निदेशक के रूप में नामित करती है।

[फा. सं. 9/11/2004-बी.ओ.-I]

जी.बी. सिंह, उप सचिव

New Delhi, the 20th October, 2006

S.O. 4183.—In exercise of the powers conferred by clause (e) of sub-section (1) of Section 25 of the State Bank of India (Subsidiary Banks) Act, 1959, the Central Government, hereby nominates Shri S.D.S. Minhas, Deputy Secretary, Ministry of Finance, Department of Economic Affairs, Banking Division, New Delhi as a Director on the Board of Directors of State Bank of Mysore with immediate effect and until further orders vice Shri G.B. Singh.

[F. No. 9/11/2004-BO. I]

G.B. SINGH, Dy. Secy.

पोत-परिवहन, सड़क-परिवहन और राजमार्ग मंत्रालय

(पोत-परिवहन-विभाग)

(पोत-परिवहन-स्कंध)

नई दिल्ली, 10 अक्टूबर, 2006

का.आ. 4184.—राष्ट्रीय नौवहन-बोर्ड-नियम, 1960 के नियम 4 के साथ पठित वाणिज्य-पोत-परिवहन-अधिनियम, 1958 (वर्ष, 1958 के अधिनियम सं० 44) की धारा 4 द्वारा प्रदत्त अधिकार प्रयुक्त करके और पोत-परिवहन, सड़क-परिवहन और राजमार्ग-मंत्रालय, पोत-परिवहन-विभाग की 01 सितम्बर, 2006 की अधिसूचना के क्रम में, केन्द्रीय सरकार, श्री पी.वी.के. मोहन को एतद्वारा, तत्काल प्रभाव से राष्ट्रीय नौवहन-बोर्ड के एक सदस्य के रूप में नामित करती है।

[फा. सं. एस एस-18011/1/2005-एस एल]

रघुनाथ त्रिपाठी, उप सचिव

MINISTRY OF SHIPPING, ROAD TRANSPORT
AND HIGHWAYS

(Department of Shipping)

(Shipping Wing)

New Delhi, the 10th October, 2006

S.O. 4184.—In exercise of the powers conferred by Section 4 of the Merchant Shipping Act, 1958 (44 of

1958) read with Rule 4 of the National Shipping Board Rules, 1960 and in continuation of Ministry of Shipping, Road Transport and Highways (Department of Shipping) notification dated 1st September, 2006, the Central Government hereby nominates Shri P.V.K. Mohan as a member of the National Shipping Board with immediate effect.

[F. No. SS-18011/1/2005-SL]

R. N. TRIPATHY, Dy. Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

नई दिल्ली, 16 अक्टूबर, 2006

का.आ. 4185.—केन्द्र सरकार ने भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1)(ख) के अनुसरण में पांडिचेरी विश्वविद्यालय की कोर्ट द्वारा डा. के.एस.वी. के. सुब्बा राव, निदेशक, ज़िपमेर, पांडिचेरी, चिकित्सा संकाय सदस्य, पांडिचेरी विश्वविद्यालय को इस अधिसूचना के जारी होने की तारीख से पांच वर्षों की अवधि के लिए भारतीय आयुर्विज्ञान परिषद् के सदस्य के रूप में चयनित किया गया है।

अतः, अब, उक्त अधिनियम की धारा 3 की उपधारा (1) के उपबंध के अनुसरण में, केन्द्र सरकार एतद्वारा भारत सरकार के तत्कालीन स्वास्थ्य मंत्रालय की दिनांक 9 जनवरी, 1960 की अधिसूचना संख्या का.आ. 138 में निम्नलिखित और संशोधन करती है अर्थात् :—

उक्त अधिसूचना में “धारा 3 की उपधारा (1) के खण्ड (ख) के अधीन चयनित” शीर्षक के अंतर्गत क्रम संख्या 79 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्या और प्रविष्टियां प्रतिस्थापित की जाएंगी, अर्थात् :—

“80. डा. के. एस.वी.के. सुब्बा राव, पांडिचेरी विश्वविद्यालय”
निदेशक,
ज़िपमेर, पांडिचेरी,
पांडिचेरी

[सं. बी. 11013/4/2006-एम ई (नीति-I)]

एस. के. मिश्रा, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

New Delhi, the 16th October, 2006

S.O. 4185.—Whereas in pursuance of the provision of sub-section (1)(b) of Section 3 of the Indian Medical Act, 1956 (102 of 1956) Dr. K. S. V. K. Subba Rao, Director, JIPMER, Pondicherry member of the Faculty of Medicine, Pondicherry University has been elected by the Court of the Pondicherry University to be a member of the Medical council of India for five years with effect from date of issue of this notification.

Now, therefore, in pursuance of the provision of sub-section (1) of Section 3 of the said Act, the Central Government hereby makes the following further amendment in the Notification of the Government of India in the then Ministry of Health number S.O. 138 dated the 9th January, 1960, namely:—

In the said Notification, under the heading, "Elected under clause (b) of sub-section (1) of Section 3", after serial number 79, the following entries shall be added, namely:—

"80. Dr. K.S.V.K. Subba Rao, Pondicherry University"
Director,
JIPMER, Pondicherry,
Pondicherry

[No. V-11013/4/2006-ME (Policy-I)]

S. K. MISHRA, Under Secy.

खान मंत्रालय

नई दिल्ली, 10 अक्टूबर, 2006

का.आ. 4186.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में, खान मंत्रालय के एक अधीनस्थ कार्यालय, भारतीय भूवैज्ञानिक सर्वेक्षण के केन्द्रीय मुख्यालय, कोलकाता और भारतीय भूवैज्ञानिक सर्वेक्षण की इन्फोसगढ़ इकाई, रायपुर को, जिसके 80 प्रतिशत से अधिक कर्मचारी हिंदी में हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[सं. ई-17011/1/2006-हिंदी]

अजिता बाजपेयी पाण्डे, संयुक्त सचिव

MINISTRY OF MINES

New Delhi, the 10th October, 2006

S.O. 4186.—In pursuance of sub-rule (4) of Rule 10 of the official Language (use for official purpose of the Union) Rules, 1976 the Central Government hereby notifies Central H.Q. Kolkata of Geological Survey of India and Chattisgarh Unit, Raipur of Geological Survey of India a subordinate office of Ministry of Mines, where of more than 80% staff have acquired the working knowledge of Hindi.

[No. E-17011/1/2006-Hindi]

AJITA BAJPAI PANDE, Jr. Secy.

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 27 सितंबर, 2006

का.आ. 4187.—इस मंत्रालय की दिनांक 5-2-2005 की समसंख्यक अधिसूचना के अनुक्रम में और चलचित्र (प्रमाणन) नियमावली, 1983 के धारा 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, केन्द्रीय फिल्म प्रमाणन बोर्ड के चेन्नई सलाहकार पैनल के सदस्य के रूप

में श्रीमती निर्मला सुरेश का त्यागपत्र तत्काल प्रभाव से स्वीकार करती है।

[फा. संख्या 809/4/2004-एफ (सी)]

संगीता सिंह, निदेशक (फिल्म)

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 27th September, 2006

S.O. 4187.—In continuation of this Ministry's Notification of even number dated 5-2-2005 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 the Central Government is pleased to accept the resignation of Smt. Nirmala Suresh as Member of the Chennai advisory panel of the Central Board of Film Certification with immediate effect.

[F.No. 809/4/2004-F(C)]

SANGEETA SINGH, Director (Films)

नई दिल्ली, 27 सितंबर, 2006

का.आ. 4188.—इस मंत्रालय की दिनांक 7-6-2005 की समसंख्यक अधिसूचना के अनुक्रम में और चलचित्र (प्रमाणन) नियमावली, 1983 के धारा 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, केन्द्रीय फिल्म प्रमाणन बोर्ड के चेन्नई सलाहकार पैनल के सदस्य के रूप में डॉ. कायत्री देवी का त्यागपत्र तत्काल प्रभाव से स्वीकार करती है।

[फा. संख्या 809/4/2004-एफ (सी)]

संगीता सिंह, निदेशक (फिल्म)

New Delhi, the 27th September, 2006

S.O. 4188.—In continuation of this Ministry's Notification of even number dated 7-6-2005 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 the Central Government is pleased to accept the resignation of Dr. K. Ghayathri Devi as Member of the Chennai advisory panel of the Central Board of Film Certification with immediate effect.

[F.No. 809/4/2004-F(C)]

SANGEETA SINGH, Director (Films)

नई दिल्ली, 4 अक्टूबर, 2006

का.आ. 4189.—इस मंत्रालय की दिनांक 30 अगस्त, 2005 की समसंख्यक अधिसूचना के अनुक्रम में और चलचित्र (प्रमाणन) नियमावली, 1983 के धारा 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, केन्द्रीय फिल्म

प्रमाणन बोर्ड के दिल्ली सलाहकार पैनल के सदस्य के रूप में श्रीमती गायत्री रे को तत्काल प्रभाव से दो वर्षों की अवधि के लिए या अगले आदेशों तक, जो भी पहले हो, नियुक्त करती है।

[फा. संख्या 809/7/2004-एफ (सी)]

संगीता सिंह, निदेशक (फिल्म)

New Delhi, the 4th October, 2006

S.O. 4189.—In continuation of this Ministry's Notification of even number dated 30th August, 2005 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 the Central Government is pleased to appoint Smt. Gayatri Ray as Member of the Delhi advisory panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier.

[F.No. 809/7/2004-F(C)]

SANGEETA SINGH, Director (Films)

नई दिल्ली, 5 अक्टूबर, 2006

का.आ. 4190.—इस मंत्रालय की दिनांक 12-7-2005 की समसंख्यक अधिसूचना के अनुक्रम में और चलचित्र (प्रमाणन) नियमावली, 1983 की धारा 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, केन्द्रीय फिल्म प्रमाणन बोर्ड के बंगलौर सलाहकार पैनल के सदस्य के रूप में श्रीमती शशि प्रभा हिरेमथ, सं. 5, 6/ए ब्लॉक, ए एल आई जी, नन्दिनी लेआउट, बंगलौर को तत्काल प्रभाव से दो वर्षों की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, नियुक्त करती है।

[फा. संख्या 809/5/2004-एफ (सी)]

संगीता सिंह, निदेशक (फिल्म)

New Delhi, the 5th October, 2006

S.O. 4190.—In continuation of this Ministry's Notification of even number dated 12-7-2005 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 the Central Government is pleased to appoint Smt. Shashi Prabha Hiremath, No. 5, 6/A Block, A.L.I.G., Nandini Layout, Bangalore, as Member of the Bangalore advisory panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier.

[F.No. 809/5/2004-F(C)]

SANGEETA SINGH, Director (Films)

सूचना प्रौद्योगिकी विभाग

नई दिल्ली, 24 अक्टूबर, 2006

का.आ. 4191.—“सिगरेट एवं अन्य तंबाकू उत्पाद (विज्ञापन निषेध तथा व्यापार एवं वाणिज्य, उत्पादन, आपूर्ति और वितरण विनियमन) अधिनियम, 2003” की धारा 25 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा सूचना प्रौद्योगिकी विभाग में नीचे दी गई तालिका के कॉलम में निर्दिष्ट अधिकारियों को प्राधिकृत करती है जो उक्त अधिनियम की धारा 4 के अंतर्गत कार्रवाई करने के लिए सक्षम होंगे :

क्र.सं०	कार्यालय	नोडल अधिकारी का नाम
1.	सूचना प्रौद्योगिकी विभाग	श्री एस.एस. नायर, उप निदेशक
2.	सूचना प्रौद्योगिकी विभाग के अंतर्गत संबद्ध कार्यालय एसटीक्यूसी	डॉ. अवधेश माथुर, वैज्ञानिक 'जी'
3.	सूचना प्रौद्योगिकी विभाग के अंतर्गत कार्य करने वाले स्वायत्त निकाय/सांविधिक निकाय	
(i)	भारतीय सॉफ्टवेयर प्रौद्योगिकी पार्क	श्री रवि नागपाल, वरिष्ठ प्रशासनिक अधिकारी
(ii)	डीओईएसीसी संस्था	श्री एस.सी. ध्यानी, संयुक्त प्रबंधक
(iii)	अर्नेट इंडिया	श्री सुभाष अग्रवाल, रजिस्ट्रार

[फा. सं. 3(4)/2006-बी. एम.]

गौतम भट्टाचार्य, संयुक्त निदेशक

DEPARTMENT OF INFORMATION TECHNOLOGY

New Delhi, the 24th October, 2006

S.O. 4191.—In exercise of the powers conferred by Section 25 of “The Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003, the Central Government in the Department of Information Technology hereby authorizes the Officers indicated in Column of the Table given below who shall be competent to act under Section 4 of the said Act :

Sl. No.	Office	Name of Nodal Officer
1.	Department of Information Technology	Sh. S.S. Nair, Deputy Director.
2.	STQC Attached Office under Department of Information Technology	Dr. A. Mathur. Scientist 'G'

Sl. No.	Office	Name of Nodal Officer
3.	Autonomous Bodies/ Statutory Bodies functioning under Department of Information Technology	
(i)	Software Technology Park of India	Sh. Ravi Nagpal, Sr. Admn. Officer
(ii)	DOEACC Society	Sh. S.C. Dhyani, Joint Manager
(iii)	ERNET India	Sh. Subhash Aggarwal, Registrar

[F.No. 3(4)/2006-B.M.]

G. BHATTACHARYA, Jt. Director

रेल मंत्रालय

(रेलवे बोर्ड)

नई दिल्ली, 19 अक्टूबर, 2006

का.आ. 4192.—रेल मंत्रालय (रेलवे बोर्ड), राजभाषा नियम 1976 (संघ के शासकीय प्रयोजनों के लिए प्रयोग) के नियम 10 के उपनियम (2) और (4) के अनुसरण में, दक्षिण मध्य रेलवे के सिकंदराबाद मंडल के निम्नलिखित कार्यालयों को, जहां 80% से अधिक अधिकारियों/कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करता है :—

दक्षिण मध्य रेलवे (सिकंदराबाद मंडल)

1. सहायक विद्युत इंजीनियर, लोकोशेड, लालागुडा
2. कोचिंग डिपो अधिकारी का कार्यालय, सिकंदराबाद
3. चिकित्सा अधीक्षक का कार्यालय, चिलकलगुडा
4. स्टेशन प्रबंधक कार्यालय, हैदराबाद
5. कोचिंग डिपो अधिकारी का कार्यालय, हैदराबाद
6. क्षेत्रीय अधिकारी कार्यालय, सनतनगर
7. सहायक मंडल इंजीनियर कार्यालय, विकाराबाद
8. सहायक मंडल सिगनल एवं दूरसंचार इंजीनियर कार्यालय, विकाराबाद
9. सहायक चिकित्सा अधीक्षक कार्यालय, विकाराबाद
10. सहायक मंडल इंजीनियर कार्यालय, तांडूर
11. वरिष्ठ मंडल यांत्रिक इंजीनियर कार्यालय/डीजल/काजीपेट
12. मंडल सिगनल एवं दूरसंचार इंजीनियर कार्यालय, काजीपेट
13. मंडल विद्युत इंजीनियर कार्यालय, काजीपेट
14. मंडल विद्युत इंजीनियर कार्यालय/बिजली लोकोशेड, काजीपेट
15. प्रिंसिपल रेलवे जूनियर कालेज, काजीपेट
16. प्रधानाध्यापक, रेलवे हाई स्कूल/अंग्रेजी माध्यम/काजीपेट
17. प्रधानाध्यापक, रेलवे हाई स्कूल/तेलुगु माध्यम, काजीपेट
18. सहायक मंडल सिगनल एवं दूरसंचार इंजीनियर कार्यालय, डोर्नकल

19. सहायक मंडल विद्युत इंजीनियर कार्यालय (कर्षण वितरण), डोर्नकल
20. चिकित्सा अधीक्षक कार्यालय, डोर्नकल
21. सहायक मंडल चिकित्सा अधीक्षक कार्यालय, रामगुंडम
22. सहायक मंडल यांत्रिक इंजीनियर कार्यालय, रामगुंडम
23. सहायक मंडल सिगनल एवं दूरसंचार इंजीनियर कार्यालय (अनुरक्षण), बेल्लमपल्ली
24. वरिष्ठ मंडल चिकित्सा अधीक्षक कार्यालय, बेल्लमपल्ली
25. सहायक मंडल विद्युत इंजीनियर कार्यालय (कर्षण वितरण), सिरपुरकागजनगुडू
26. सहायक मंडल इंजीनियर कार्यालय, मधिरा
27. सहायक मंडल इंजीनियर कार्यालय (उत्तर), काजीपेट
28. सहायक मंडल इंजीनियर कार्यालय (दक्षिण), काजीपेट
29. सहायक मंडल इंजीनियर कार्यालय/ट्रैक मशीन/काजीपेट
30. प्रिंसिपल, दूरसंचार प्रशिक्षण केंद्र, काजीपेट

[सं. हिंदी-2006/रा. भा. 1/12/1]

कृष्णा शर्मा, संयुक्त निदेशक (राजभाषा)

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 19th October, 2006

S.O. 4192. —Ministry of Railways (Railway Board), in pursuance of Sub Rule (2) and (4) of Rule 10 of the Official Language Rules, 1976 (use for the official purposes of the Union) hereby, notify the following Offices of Secunderabad Division of South-Central Railway, where 80% or more Officers/Employees have acquired the working knowledge of Hindi :—

South Central Railway (Secunderabad Division)

1. Central Office of the Assistant Electrical Engineer, Loco Shed, Lalagudda
2. Office of the Coaching Depot Officer, Secunderabad
3. Office of the Medical Superintendent, Chilkalgudda
4. Office of the Station Manager, Hyderabad
5. Office of the Coaching Depot Officer, Hyderabad
6. Office of the Area Officer, Sanatnagar
7. Office of the Assistant Divisional Engineer, Vikarabad
8. Office of the Assistant Divisional Signal & Telecom Engineer, Vikarabad
9. Office of the Assistant Medical Superintendent, Vikarabad
10. Office of the Assistant Divisional Engineer, Tandur
11. Office of the Senior Divisional Mechanical Engineer/Diesel/Kazipet

12. Office of the Divisional Signal & Telecom Engineer, Kazipet
13. Office of the Divisional Electrical Engineer, Kazipet
14. Office of the Divisional Electrical Engineer/ Electrical Loko Shed/Kazipet
15. Principal Railway Junior College, Kazipet
16. Headmaster, Railway High School/English Medium/Kazipet
17. Headmaster, Railway High school/Telgu Medium/Kazipet
18. Office of the Assistant Divisional Signal & Telecom Engineer, Dornakal
19. Office of the Assistant Divisional Electrical Engineer/TRD/Dornakal
20. Office of the Medical Superintendent, Dornakal
21. Office of the Assistant Divisional Medical Superintendent, Ramagundam
22. Office of the Assistant Divisional Mechanical Engineer, Ramagundam
23. Office of the Assistant Divisional Signal & Telecom Engineer/Maintenance/Bellampally
24. Office of the Senior Divisional Medical Suprintendent, Bellampally
25. Office of the Assistant Divisional Electrical Engineer/TRD/Sirpurkagaznagar
26. Office of the Assistant Divisional Engineer, Madhira.
27. Office of the Assistant Divisional Engineer/ North/Kazipet
28. Office of the Assistant Divisional Engineer/ South/Kazipet
29. Office of the Assistant Divisional Engineer/TM, Kazipet
30. Principal/Telecom. Training Centre, Kazipet

[No. Hindi-2006/O. L. 1/12/1]

KRISHNA SHARMA, Jt. Director (O. L.)

विदेश मंत्रालय

(सी. पी. वी. प्रभाग)

नई दिल्ली, 25 सितम्बर, 2006

का. आ. 4193.—राजनायिक कौंसली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 (1948 का 41वां) की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद् द्वारा भारत का राजदूतावास, कुवैत में श्री ए. के. रामादान, वरिष्ठ सहायक को 25-09-2006 से सहायक कौंसली अधिकारी का कार्य करने हेतु प्राधिकृत करती है।

[सं. टी-4330/01/2006]

आर. एन. काजला, अवर सचिव (कौन्सुलर)

MINISTRY OF EXTERNAL AFFAIRS

(C. P. V. Division)

New Delhi, the 25th September, 2006

S. O. 4193.—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby authorise Shri A. K. Ramadasan, Senior Assistant in the Embassy of India, Kuwait to perform the duties of Assistant Consular Officer with effect from 25th September, 2006.

[No. T-4330/01/2006]

R. N. KAJLA, Under Secy. (Consular)

इस्पात मंत्रालय

नई दिल्ली, 18 अक्टूबर, 2006

का. आ. 4194.—राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 (यथा संशोधित, 1987) के नियम-10 के उप-नियम (4) के अनुसरण में केन्द्रीय सरकार एतद्द्वारा इस्पात मंत्रालय के प्रशासनिक नियंत्रणाधीन स्टील अथॉरिटी ऑफ इंडिया लि. के निम्नलिखित कार्यालयों, जिनके 80 प्रतिशत से अधिक कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है :-

क्र. सं.

कार्यालय का नाम

1. स्टील अथॉरिटी ऑफ इंडिया लि., केन्द्रीय विपणन संगठन, मुख्यालय, कोलकाता
2. स्टील अथॉरिटी ऑफ इंडिया लि., केन्द्रीय विपणन संगठन (पूर्वी क्षेत्र), कोलकाता
3. स्टील अथॉरिटी ऑफ इंडिया लि., केन्द्रीय विपणन संगठन, शाखा विक्रय कार्यालय, दुर्गापुर
4. स्टील अथॉरिटी ऑफ इंडिया लि., केन्द्रीय विपणन संगठन, शाखा विक्रय कार्यालय, राउरकेला
5. स्टील अथॉरिटी ऑफ इंडिया लि., केन्द्रीय विपणन संगठन, शाखा विक्रय कार्यालय, भुवनेश्वर
6. स्टील अथॉरिटी ऑफ इंडिया लि., केन्द्रीय विपणन संगठन, शाखा विक्रय कार्यालय, गुवाहाटी
7. स्टील अथॉरिटी ऑफ इंडिया लि., केन्द्रीय विपणन संगठन, शाखा विक्रय कार्यालय, मंडी गोविन्दगढ़
8. स्टील अथॉरिटी ऑफ इंडिया लि., केन्द्रीय विपणन संगठन, शाखा विक्रय कार्यालय, जम्मू

[सं. ई. 11011/6/2001-हिन्दी]

आशुतोष बरनवाल, निदेशक

MINISTRY OF STEEL

New Delhi, the 18th October, 2006

S. O. 4194.— In pursuance of sub-rule (4) of Rule 10 of the Official Language [Use for official purpose of the Union] Rules, 1976 (as amended, 1987) the Central

Government hereby notifies the following Offices of Steel Authority of India Limited under the administrative control of Ministry of Steel, where more than 80% staff have acquired working knowledge of Hindi.

S. No. Name of the Office

1. Steel Authority of India Limited, Central Marketing Organization, Head Quarter, Kolkata.
2. Steel Authority of India Limited, Central Marketing Organization, (Eastern Region), Kolkata.
3. Steel Authority of India Limited, Central Marketing Organization, Branch Sales Office, Durgapur.
4. Steel Authority of India Limited, Central Marketing Organization, Branch Sales Office, Rourkela.

5. Steel Authority of India Limited, Central Marketing Organization, Branch Sales Office, Bhubaneswar.
6. Steel Authority of India Limited, Central Marketing Organization, Branch Sales Office, Guwahati.
7. Steel Authority of India Limited, Central Marketing Organization, Branch Sales Office, Mandi Govindgarh.
8. Steel Authority of India Limited, Central Marketing Organization, Branch Sales Office, Jammu.

[No. E. 11011/6/2001-Hindi]
ASHUTOSH BARANWAL, Director

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

(भारतीय मानक ब्यूरो)

नई दिल्ली, 12 अक्टूबर, 2006

का. आ. 4195.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक(कों) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्रम संशोधित भारतीय मानक की संख्या और वर्ष संख्या	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1) (2)	(3)	(4)
1 आई एस 2878 : 2004	संशोधन संख्या 3, सितम्बर 2006	10 अक्टूबर 2006

इन संशोधनों की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुंबई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. सीईडी/राजपन]

ए. के. सैनी, वैज्ञानिक 'एफ' एवं प्रमुख (सिविल इंजीनियरी)

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

(BUREAU OF INDIAN STANDARDS)

New Delhi, the 12th October, 2006

S. O. 4195.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No. and year of the Indian Standards No.	No. and year of the amendment	Date from which the amendment shall have effect
(1) (2)	(3)	(4)
1 IS 2878 : 2004	Amendment No. 3, September 2006	10 October 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. CED/Gazette]

A.K. SAINI, Sc. 'F' & Head (Civil Engg.)

नई दिल्ली, 12 अक्टूबर, 2006

का. आ. 4196.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संशोधित भारतीय मानक(कों) की संख्या, संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1) (2)	(3)	(4)
1 आई एस 4401-2006 वस्त्रादि-ऐंठित नाइलॉन की मत्स्य-जाल सुतली-विशिष्ट (चौथा पुनरीक्षण)	आई एस 4401-1995	अगस्त 2006

इन भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुंबई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयंबटूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. टीएक्सडी/जी 25]

एम. एस. वर्मा, निदेशक एवं प्रमुख (टीएक्सडी)

New Delhi, the 12th October, 2006

S. O. 4196.— In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :—

SCHEDULE

Sl. No. and year of the Indian Standards No. Established	No. and year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1) (2)	(3)	(4)
1 IS : 4401 : 2006 Textiles—Twisted nylon Fish-net twines—Specification (Fourth Revision)	IS : 4401 : 1995	August 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No.TXD/G-25]

M.S. VERMA, Director & Head (Textiles)

नई दिल्ली, 13 अक्टूबर, 2006

का. आ. 4197.— भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विनियम (5) के उप-विनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द/स्थगित कर दिया गया है :—

अनुसूची

क्रम संख्या	लाइसेंस संख्या सीएम/एल	लाइसेंसधारी का नाम व पता	लाइसेंस के अंतर्गत वस्तु/प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	रद्द/स्थगित करने की तिथि
1	2	3	4	5
1.	1895175	अरिहंत इंजीनियरिंग मेहता इंडस्ट्रीयल एस्टेट, उमाकांत पंडित उद्योगनगर, मावडी प्लॉट, राजकोट, गुजरात-360004	कृषि प्रयोजनों के लिए समगति संपडन प्रज्ज्वलन (डीजल) इंजन की कार्य- कारिता अपेक्षाएं आई एस 11170 : 1985	31-07-2006
2.	1682360	सी आई मैन्यूफैक्चरिंग कॉर्पोरेशन, 48 संस्कार सोसायटी जितन रोड, सुरेन्द्रनगर, जिला सुरेन्द्रनगर, गुजरात	जल, गैस और मल जल के लिए उर्ध्वाधर ढले लोहे के दाव ग्राइप आई एस 1537 : 1976	24-04-2006
3.	7138670	प्रकाश री-रोलिंग, सर्वे सं. 270/1, प्लॉट सं. 9, राजकोट रोड, सिहोर, जिला : भावनगर, गुजरात-364240	कंक्रीट प्रबलन के लिए उच्च सामर्थ्य विकसित इस्पात छड़ और तार आई एस 17686 : 1985	15-5-2006
4.	7382378	श्री दिग्विजय सीमेंट कंपनी लि., दिकविजय ग्राम, वाया जामनगर सिक्का, जिला जामनगर, गुजरात-361140	पोर्टलैंड धातुमल सीमेंट आई एस 455 : 1976	01-08-2006
5.	7451068	मार्शल सीमेंट इंडस्ट्रीज, प्लॉट सं. 1 एवं 2, सर्वे सं. 247/पी, सर्वोदय स्कूल के सामने, शापर (वीरावल), कोटडा संधानी, जिला राजकोट, गुजरात-361140	43 ग्रेड साधारण पोर्टलैंड सीमेंट आईएस 8112 : 1989	28-08-2006

[सं. सीएमडी-1/13 : 13]

एस. के. चौधरी, उप महानिदेशक

New Delhi, the 13th October, 2006

S. O. 4197.—In pursuance of sub-regulation (6) of the regulation 5 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given below have been cancelled/suspended with effect from the date indicated against each :

SCHEDULE

Sl. No.	Licences No. CM/L	Name. and address of the Licensee	Article/Process with relevant Indian Standards covered by the licence	Date of cancellation/ the licence cancelled/ suspension
(1)	(2)	(3)	(4)	(5)
1	1895175	M/s. Arihant Engineers Mehta Industrial Estate, Umakant Pandit Udyog Nagar, Mavdi Plot, Distt. Rajkot Gujarat, 360004	Speed Compression Ignition (Diesel) Engines for Agricultural Purposes (Upto 20 kw) IS 11170 : 1985	31-07-2006
2	1682360	M/s. CI Pipes manufacturing Corporation 48, Sanskar Society Jintan Road, Surendranagar., Distt. Surendranagar, Gujarat	Vertically cast iron pressure pipes for water, gas and sewage IS 1537 : 1976	24-04-2006
3	7138670	M/s. Prakash re-rollers Pvt. Ltd. Survey No. 270/1 Plot No. 9, Bhavnagar Rajkot Road, Sihor, Distt : Bhavnagar, Gujarat, 364240	Specification for high strength deformed steel bars and wires for concrete reinforcement IS 1786 : 1985	15-05-2006
4	7382378	M/s. Shree Digvijay Cement Co. Ltd. Digvijaygram, Via : Jamnagar Sikka, Distt Jamnagar, Gujarat, 361140	Specification for Portland slag cement IS 455 : 1989	01-08-2006
5	7451068	M/s. Marshal Cement Industries, Plot No. 1 & 2, Survey No. 247/P, Opp. Sarvodaya School, Shapar (Veraval), Tal Kotda Sangani, Distt. Rajkot, Gujarat, 360002	Specification for 43 grade ordinary Portland cement. IS 8112 : 1989	28-8-2006

[No. CMD-1/13:13]

S.K. CHAUDHURI, Dy. Director General

नई दिल्ली, 13 अक्टूबर, 2006

का. आ. 4198.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	आईएस 15684-2006 प्लाईबोर्ड के लिए सिंथेटिक रेजिन आसंजकों (यूरिया-फार्मेलिडिहाइड) में प्रयुक्त एक्सटेन्डर—रीति संहिता	15684-2006	30-09-2006

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो मानक भवन 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुंबई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. सीईडी/राजपत्र]

ए.के. सैनी, वैज्ञानिक 'एफ' व प्रमुख (सिविल इंजीनियरी)

New Delhi, the 13th October, 2006

S. O. 4198.— In pursuance of clause (b) of sub-rule (1) of Rules (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :—

SCHEDULE

Sl. No.	No. and year of the Indian Standards Established	No. and year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1	IS 15684 : 2006 Extenders for use in Synthetic Resin Adhesives (Urea-Formaldehyde) for Plywood - Code of Practice	IS 15684 : 2006	30 Sept. 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. CED/Gazette]

A.K. SAINI, Scientist F & Head (Civil Engineering)

नई दिल्ली, 13 अक्टूबर, 2006

का. आ. 4199.— भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक (को) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	303 : 1989	संख्या 5, सितम्बर 2006	05 अक्टूबर, 2006
2.	3129 : 1985	संख्या 4, सितम्बर 2006	30 सितम्बर, 2006
3.	12406 : 2003	संख्या 1, सितम्बर 2006	29 सितम्बर, 2006
4.	15491 : 2004	संख्या 1, सितम्बर 2006	30 सितम्बर, 2006

इस संशोधन की प्रति भारतीय मानक ब्यूरो मानक भवन 9 बहादुर शाह जफर मार्ग नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. सीईडी/राजपत्र]

ए. के. सैनी, वैज्ञानिक 'एफ' एवं प्रमुख (सिविल इंजीनियरी)

New Delhi, the 13th October, 2006

S. O. 4199.— In pursuance of clause (b) of sub-rule (1) of Rules (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standard, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	303 : 1989	No. 5, September 2006	05 October 2006
2.	3129 : 1985	No. 4, September 2006	30 September 2006
3.	12406 : 2003	No. 1, September 2006	29 September 2006
4.	15491 : 2004	No. 1, September 2006	30 September 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. CED/Gazette]

A.K. SAINI, Scientist F & Head (Civil Engg.)

नई दिल्ली, 18 अक्टूबर, 2006

का. आ. 4200.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आईएस/आईएसओ/आईईसी 17000 : 2004 अनुरूपता मूल्यांकन-पारिभाषिक शब्दावली और सामान्य सिद्धांत	—	31-07-2006
2.	आईएस/आईएसओ/आईईसी 17024 : 2003 अनुरूपता मूल्यांकन-व्यक्तियों के प्रमाणन को प्रचालित करने वाले निकायों की सामान्य अपेक्षाएं	—	31-08-2006
3.	आईएस/आईएसओ/आईईसी 17011 : 2004 अनुरूपता मूल्यांकन अनुरूपता मूल्यांकन करने वाले निकायों को प्रत्याचित करने वाले निकायों की सामान्य अपेक्षाएं	—	31-07-2006
4.	आईएस/आईएसओ/आईईसी 17040 : 2005 अनुरूपता मूल्यांकन अनुरूपता मूल्यांकन निकायों और प्रत्याचन निकायों के समकक्ष मूल्यांकन की सामान्य अपेक्षाएं	—	31-07-2006
5.	आईएस/आईएसओ/आईईसी गाईड 43-2 : 1997 अन्तर-प्रयोगशाला तुलना द्वारा दक्षता परीक्षण-मार्गदर्शिका भाग 1 दक्षता परीक्षण योजनाओं का विकास और प्रचालन	—	31-07-2006
6.	आईएस/आईएसओ/आईईसी गाईड 43-2 : 1997 अन्तर-प्रयोगशाला तुलना द्वारा दक्षता परीक्षण-मार्गदर्शिका भाग 2 प्रयोगशाला प्रत्याचन निकायों द्वारा दक्षता परीक्षण योजनाओं का चयन और प्रयोग	—	31-07-2006

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. आई आर एवं टी आई एस डी/केसको आई आर डी 1]

सी. के. माहेश्वरी, वैज्ञानिक 'एफ' एवं प्रमुख (अंतर्राष्ट्रीय सम्पर्क एवं तक. सूचना सेवा वि.)

New Delhi, the 18th October, 2006

S. O. 4200.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & Year of the Indian Standards Established	No. & year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1.	IS/ISO/IEC 17000:2004 Conformity assessment-Vocabulary and general principles		31-07-2006
2.	IS/ISO/IEC 17024:2003 Conformity assessment—General requirements for bodies operating certification of persons		31-08-2006
3.	IS/ISO/IEC 17011:2004 Conformity assessment—General requirements for accreditation bodies accrediting conformity assessment bodies		31-07-2006
4.	IS/ISO/IEC 17040:2005 Conformity assessment—General requirements for per assessment of conformity assessment bodies and accreditation bodies		31-07-2006
5.	IS/ISO/IEC Guide 43-1:1997 Proficiency testing by interlaboratory comparisons—Guidelines Part 1: Development and operation of proficiency testing schemes		31-07-2006
6.	IS/ISO/IEC Guide 43-2:1997 Proficiency testing by interlaboratory comparisons-Guidelines Part 2: Selection and use of proficiency testing schemes by laboratory accreditation bodies		31-07-2006

Copy of these Standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. IR&TISD/CASCO IRD-1]

C.K. MAHESHWARI, Scientist 'F' & Head (International Relations & Tech. Inf. Services Deptt.)

नई दिल्ली, 19 अक्टूबर, 2006

का. आ. 4201.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिये गये हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 13450 चिकित्सीय विद्युत उपस्कर भाग 2 सुरक्षा के लिए विशिष्ट अपेक्षाएं अनुभाग 7 उच्च-वोल्टता जनित्रों वाले नैदानिक क्ष-किरण जनित्रों	आई एस 7620 (भाग 1) : 1986 चिकित्सीय विद्युत उपस्कर-नैदानिक क्ष-किरण उपस्कर भाग 1 यांत्रिक तथा विद्युत सुरक्षा अपेक्षाएं	अक्टूबर 2006

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110 002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. एमएचडी/जी-3.5]

राकेश चन्द्र, वैज्ञानिक 'एफ' एवं प्रमुख (एम एच डी)

New Delhi, the 19th October, 2006

S. O. 4201.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & year of the Indian Standards Established	No. & year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1	IS 13450 Medical Electrical Equipment Part 2 Particular requirements for the safety Section 32 High-Voltage Generators of Diagnostic X-ray Generators	IS 7620 (Part-1): 1986 Medical Electrical Equipment-Diagnostic X-Ray Equipment Part 1 Mechanical and Electrical Safety requirements (First Revision)	October 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. MHD/G-3.5]

RAKESH CHANDER, Scientist 'F' & Head (MHD)

नई दिल्ली, 19 अक्टूबर, 2006

का. आ. 4202.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानक (कों) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्रम संशोधित भारतीय मानक की संख्या संख्या वर्ष और शीर्षक	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1) (2)	(3)	(4)
1. आई एस 13654:1993 स्वचल वाहन उपकरण तंत्र विद्युत स्पीडोमीटर कार्यकारिता अपेक्षाएं	संशोधन संख्या 1, जुलाई, 2006	31 जुलाई, 2006
2. आई एस 14813:2000 स्वचल वाहन एअर हॉर्न-विशिष्ट	संशोधन संख्या 1, जुलाई, 2006	30 सितम्बर, 2006

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों, अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. टी ई डी/जी-16]

राकेश कुमार, वैज्ञानिक 'एफ' एवं प्रमुख (टी ई डी)

New Delhi, the 19th October, 2006

S. O. 4202.— In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No., year & title of the No. Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
(1) (2)	(3)	(4)
1. IS 13654:1993 Automotive vehicles - Instrument systems - Electrical Speedometer- Performance requirements	Amendment No. 1, July, 2006	31 July, 2006
2. IS 14813:2000 Automotive vehicles - air horns- Specification	Amendment No. 1, September, 2006	30 Sep., 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. TED/G-16]

RAKESH KUMAR, Scientist 'F' & Head (Transport Engg.)

नई दिल्ली, 19 अक्टूबर, 2006

का. आ. 4203.— भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस/ 4530:2006 मोटर वाहनों में इंजिन के निकास पाइपों की स्थिति निर्धारित और रूटिंग की सामान्य अपेक्षाएं (पहला पुनरीक्षण)	आई एस 4530:1968	अगस्त 2006
2.	आई एस 5791:2006/आई एस ओ 6621-3:2000 आंतरिक दहन इंजन-पिस्टन रिंग-सामग्री की विशिष्टियां (तीसरा पुनरीक्षण)	आई एस 5791:1986	जुलाई 2006
3.	आई एस 11693: 2006/आई एस ओ 21:1985 पोत निर्माण अन्तर्देशीय नौ चालन-स्टड-लिक एंकर चेन के लिए केबल उत्पापक (पहला पुनरीक्षण)	आई एस 11693:1986	जुलाई 2006
4.	आई एस 15702:2006 स्वचल वाहन -वायु ब्रेक होज-विशिष्ट	—	सितम्बर 2006

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. टी ई डी/जी-16]

राकेश कुमार, वैज्ञानिक 'एफ' एवं प्रमुख (टीईडी)

New Delhi, the 19th October, 2006

S. O. 4203.— In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. Year & title of the Indian Standards Established	No. & year of Indian Standards, if any, Supersedes by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1.	IS 4530:2006 General Requirements for positioning and routing of engine exhaust pipes in motor vehicles (first revision)	IS 4530: 1968	Aug. 2006
2.	IS 5791:2006/ISO 6621-3:2000 Internal combustion engines -Piston rings-Material specification (third revision)	IS 5791: 1986	July 2006
3.	IS 11693:2006/ISO 21:1985 Shipbuilding-Inland navigation - Cable-lifters for stud-link anchor (first revision)	IS 11693: 1986	July 2006
4.	IS 15702:2006 Automotive vehicles-air brake hose -Specification	—	Sep. 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No TED/G-16]

RAKESH KUMAR, Scientist 'F' & Head (Transport Engg.)

नई दिल्ली, 19 अक्टूबर, 2006

का.आ. 4204.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक (कों) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1	आई एस 220 : 1988 फाउन्टेन पेन की फेरो-गैलो स्याही (0.1 प्रतिशत लौह अंश) (तीसरा पुनरीक्षण)	संशोधन संख्या 2, अगस्त 2006	15 अक्टूबर, 2006
2	आई एस 1333 : 1978 एक ड्रम वाली घूर्णी मशीन के लिए ड्रुप्लीकेंटिंग स्याही (दूसरा पुनरीक्षण)	संशोधन संख्या 1, अगस्त 2006	15 अक्टूबर, 2006
3	आई एस 4174 : 1977 टाइपराइटर के सूती रिबन की विशिष्टि (पहला पुनरीक्षण)	संशोधन संख्या 3, अगस्त 2006	15 अक्टूबर, 2006

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110 002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों, अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. सी एच डी 14/आई एस 1333]

डॉ. यू. सी. श्रीवास्तव, वैज्ञ. 'एफ', निदेशक एवं प्रमुख (रसायन)

New Delhi, the 19th October, 2006

S.O. 4204.—In pursuance of clause (b) of sub-rule (1) of Rules 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1	IS 220: 1988 Fountain pen ink ferro-gallo tannate (0.1 Per cent Iron Content) (Third revision)	Amendment No. 2 August, 2006	15 October, 2006

(1)	(2)	(3)	(4)
2	IS 1333: 1978 Ink, Duplicating for Single Drum Rotary Machine— (Second revision)	Amendment No. 1 August, 2006	15 October, 2006
3	IS 4174: 1977 Specification for typewriter ribbons, cotton (First revision)	Amendment No.3 August, 2006	15 October, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices: New Delhi, Kolkata Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. CHD 14/IS 1333]

Dr. U. C. SRIVASTAVA, Sc. F., Director and Head (Chemical)

नई दिल्ली, 19 अक्टूबर, 2006

का.आ. 4205.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिये गये हैं वे स्थापित हो गये हैं:

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों यदि कोई हों, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	आई एस 2617 : 2006 मिलबोर्ड, ग्रेबोर्ड और स्ट्रॉबोर्ड- विशिष्ट (दूसरा पुनरीक्षण)	---	31 अगस्त, 2006

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110 002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों, अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. सी एच डी 15/आई एस 2617]

डॉ. यू. सी. श्रीवास्तव, वैज्ञा.-एफ, निदेशक एवं प्रमुख (रसायन)

New Delhi, the 19th October, 2006

S.O. 4205.—In pursuance of clause (b) of sub-rule (1) of rule (7) of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which given in the Schedule hereto annexed has been established on the date indicated below :

SCHEDULE

Sl. No.	No. and title of the Indian Standard Established	No. and year of Indian Standard, if any, superseded by the new Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1	IS 2617: 2006 Millboard, greyboard and strawboard – Specification (second revision)	---	31 August, 2006

Copy to the Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices: New Delhi, Kolkata Chandigarh, Chennai, Mumbai and also Branch Offices:

Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. CHD 15/TS-2617]

Dr. U. C. SRIVASTAVA, Sc. F., Director and Head (Chemical)

नई दिल्ली, 19 अक्टूबर, 2006

का.आ. 4206.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिये गये हैं वे स्थापित हो गये हैं:

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	आई एस 13228 : 2006 पैकिंग तथा परिवहन के लिए नालीदार रेशागते के बक्से-विशिष्ट (पहला पुनरीक्षण)	---	31 जुलाई, 2006

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110 002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. सी एच डी 15/आईएस-13228]

डॉ. यू. सी. श्रीवास्तव, वैज्ञा. एफ. निदेशक एवं प्रमुख (रसायन)

New Delhi, the 19th October, 2006

S.O. 4206.—In pursuance of clause (b) of sub-rule (1) of Rule (7) of Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which given in the Schedule hereto annexed has been established on the date indicated below :

SCHEDULE

Sl. No.	No. and title of the Indian Standards Established	No. and year of Indian Standard, if any, superseded by the new Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1	IS 13228: 2006 Corrugated fibreboard boxes for packing and transportation—Specification (First Revision)	---	31 July, 2006

Copy to the Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkata Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. CHD 15/IS-13228]

Dr. U. C. SRIVASTAVA, Sc. F., Director and Head (Chemical)

कोयला मंत्रालय

नई दिल्ली, 16 अक्टूबर, 2006

का.आ. 4207.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाबद्ध अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है;

अतः अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले के लिए पूर्वक्षेपण करने के अपने आशय की सूचना देती है;

इस अधिसूचना के अंतर्गत आने वाले क्षेत्र के रेखांक सं. एसईसीएल/बीएसपी/जीएम (पीएलजी)/भूमि/304, तारीख 8 मई, 2006 का निरीक्षण कलेक्टर, सरगुजा (छत्तीसगढ़) के कार्यालय में या कोयला नियंत्रक, 1, कार्डिसल हाऊस स्ट्रीट, कोलकाता-700001 के कार्यालय में या साऊथ ईस्टर्न कोलफील्ड्स लिमिटेड (राजस्व अनुभाग), सीपत रोड, बिलासपुर-495006 (छत्तीसगढ़) के कार्यालय में किया जा सकता है।

इस अधिसूचना के अंतर्गत आने वाली भूमि में हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों का इस अधिसूचना के प्रकाशन की तारीख से नब्बे दिन के भीतर, भारसाधक अधिकारी या विभागाध्यक्ष (राजस्व), साऊथ ईस्टर्न कोलफील्ड्स लि., सीपत रोड, बिलासपुर-495006 (छत्तीसगढ़) को भेजेंगे।

अनुसूची

बिनकरा भूमिगत परियोजना

विश्रामपुर क्षेत्र

जिला-सरगुजा (छत्तीसगढ़)

रेखांक संख्यांक एसईसीएल/बीएसपी/जीएम/ (पीएलजी)/भूमि/304, तारीख 8 मई, 2006 (पूर्वक्षेपण के लिए अधिसूचित भूमि दर्शाते हुए)

क्र.सं.	ग्राम का नाम	ग्राम संख्या	पटवारी हल्का संख्या	तहसील	जिला	हेक्टेयर में क्षेत्र	टिप्पणियाँ
1	गुमगराकला	135	49	अम्बिकापुर	सरगुजा	590.120	भाग
2	कटकोना	039	49	अम्बिकापुर	सरगुजा	125.150	भाग
3	बिनकरा	354	46	अम्बिकापुर	सरगुजा	060.250	भाग
4	बगदरी	327	49	अम्बिकापुर	सरगुजा	021.250	भाग
5	कन्दरई	027	42	सुरजपुर	सरगुजा	020.230	भाग

योग: 817. 000 हेक्टेयर (लगभग) या 2018.81 एकड़ (लगभग)

सीमा वर्णन :

क-ख-ग रेखा, ग्राम कन्दरई में बिन्दु "क" से आरंभ होती है, और ग्राम कन्दरई, गुमगराकला, कटकोना से होकर गुजरती है तथा बिन्दु "ग" पर मिलती है।

ग-घ-ङ रेखा, ग्राम कटकोना, बिनकरा, बगदरी से होकर गुजरती है तथा बिन्दु "ङ" पर मिलती है।

ङ-च-क रेखा, ग्राम बगदरी, कन्दरई से होकर गुजरती है आरंभिक तथा बिन्दु "क" पर मिलती है।

[फा. सं. 43015/3/2006-पीआरआईडब्ल्यू-1]

एम. शहाबुद्दीन, अवर सचिव

MINISTRY OF COAL

New Delhi, the 16th October, 2006

S.O. 4207.—Whereas it appears to the Central Government that Coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (i) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal therein;

The plan of the area bearing Number: SECL/BSP/GM(Plg)/Land/ 304, dated 8th May, 2006 covered by this notification can be inspected at the office of the Collector, Surguja (Chhattisgarh) or at the office of the Coal Controller, 1, Council House Street, Kolkata-700001 or at the office of the South Eastern Coalfields Limited (Revenue Section), Seepat Road, Bilaspur - 495006 (Chhattisgarh).

All persons interested in the land covered by this Notification shall deliver all maps, Charts and other documents referred to in sub-section (7) of Section 13 of the said Act to the officer- in - Charge or Head of the Department (Revenue), South Eastern Coalfields Limited, Seepat Road, Bilaspur - 495006 (Chhattisgarh), within ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE**Binkara Underground Project, Bistrampur Area****District-Surguja (Chhattisgarh)**

Plan bearing No. SECL/BSP/GM(Plg)/Land/ 304, dated 8th May, 2006, (Showing the land notified for prospecting).

Sl. No.	Name of Village	Village number	Patwari halka number	Tahsil	District	Area (in hectares)	Remarks
1.	Gumgarakala	135	49	Ambikapur	Surguja	590.120	Part
2.	Katkona	039	49	Ambikapur	Surguja	125.150	Part
3.	Binkara	354	46	Ambikapur	Surguja	060.250	Part
4.	Bagdarri	327	49	Ambikapur	Surguja	021.250	Part
5.	Kandrai	027	42	Surajpur	Surguja	020.230	Part

Total : 817.000 hectares (approximately) or 2018.81 acres (approximately)**Boundary description :**

A-B-C Line starts from point "A" in village Kandrai and passes through villages Kandrai, Gumgarakala, Katkona and meets at point "C".

C-D-E Line passes through village Katkona, Binkara, Bagdarri and meets at point "E".

E-F-A Line passes through village Bagdarri, Kandrai and meets at the starting point "A".

[F. No. 43015/3/2006-PRIW-I]

M. SHAHABUDEEN, Under Secy.

नई दिल्ली, 18 अक्टूबर, 2006

का.आ. 4208.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाबद्ध अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है;

अतः अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्वोक्षण करने के अपने आशय की सूचना देती है;

इस अधिसूचना के अंतर्गत आने वाले क्षेत्र के रेखांक सं. सी-1 (ई) III/जेजेएमआर/745-0506, तारीख 12 मई, 2006 का निरीक्षण वेस्टर्न कोलफील्ड्स लिमिटेड (राजस्व विभाग), कोल एस्टेट, सिविल लाइन्स, नागपुर-440001 (महाराष्ट्र) के कार्यालय में या कलेक्टर, चन्द्रपुर (महाराष्ट्र) के कार्यालय में या कोयला नियंत्रक, 1, काउन्सेल हाऊस स्ट्रीट, कोलकाता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अंतर्गत आने वाली भूमि में, हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों का इस अधिसूचना के प्रकाशन की तारीख से नब्बे दिन के भीतर भार साधक अधिकारी या विभागाध्यक्ष (राजस्व), वेस्टर्न कोलफील्ड्स लि., कोल एस्टेट, सिविल लाइन्स, नागपुर-440001 (महाराष्ट्र) को भेजेंगे।

अनुसूची**तेलवासा फेज-II ब्लॉक****माजरी क्षेत्र****जिला-चंद्रपुर (महाराष्ट्र)**

(रेखांक सं. सी-1 (ई) III/जेजेएमआर/745-0506, तारीख 12 मई, 2006)

क्र.सं.	ग्राम का नाम	पटवारी सकिल संख्या	तहसील	जिला	क्षेत्र हैक्टेयर में	टिप्पण
1	तेलवासा	28	भद्रावती	चंद्रपुर	21.00	भाग

कुल क्षेत्र : 21.00 हैक्टेयर (लगभग)

या

51.89 एकड़ (लगभग)

सीमा वर्णन :

क-ख रेखा, "क" बिन्दु से आरंभ होती है और ग्राम तेलवासा से वर्धा नदी के पूर्वी तट से बढ़ती हुई ग्राम तेलवासा से होती हुई "ख" बिन्दु पर मिलती है।

- ख-ग रेखा, ग्राम तेलवासा से होती हुई जाती है और नाले की बाहरी सीमा के साथ गुजरती हुई और नाला पार करके फिर ग्राम तेलवासा खंड की बाहरी सीमा से गुजरती हुई बिन्दु "ग" पर मिलती है।
- ग-घ रेखा ग्राम तेलवासा से होती हुई ग्राम सड़क की बाहरी सीमा से गुजरती है और "घ" बिन्दु पर मिलती है।
- घ-क रेखा, ग्राम तेलवासा से होकर जाती है और तेलवासा ग्राम की बाह्य सीमा और ग्राम सड़क की बाह्य सीमा के साथ आगे बढ़ती है और आरंभिक "क" बिन्दु पर मिलती है।

[सं. 43015/4/2006-पीआरआईडब्ल्यू-1]

एम. शाहबुद्दीन, अवर सचिव

New Delhi, the 18th October, 2006

S.O. 4208.—Whereas it appears to the Central Government that Coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal therein;

The plan bearing No. C-1(E)III/JJMR/745-0506 dated the 12th May, 2006 of the area covered by this notification can be inspected in the office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur-440 001 (Maharashtra) or in the office of the Collector, Chandrapur (Maharashtra) or in the office of the Coal Controller, 1, Council House Street, Kolkata.

All persons interested in the lands covered by this Notification shall deliver all maps, charts and other documents referred to in Sub-section (7) of Section 13 of the said Act to the Officer-in-Charge or Head of the Department (Revenue), Western Coalfields Limited, Coal Estate, Civil Lines, Nagpur-440 001 (Maharashtra), within ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE

**Telwasa Phase-II Block, Majri Area,
District Chandrapur, Maharashtra**

[C-1 (E)III/JJMR/745-0506 dated the 12th May, 2006].

Sl. No.	Name of Village	Patwari circle number	Tahsil	District	Area in hectares	Remarks
1.	Telwasa	28	Bhadrawati	Chandrapur	21.00	Part
Total area : 21.00 hectares (approximately) or 51.89 acres (approximately)						

Boundary description :

- A-B Line starts from point "A" through village Telwasa along the eastern bank of Wardha River of village Telwasa and meets at point 'B'.
- B-C Line passes through village Telwasa and proceeds along the outer boundary of Nallah and then crosses Nallah then proceeds along the outer boundary of Telwasa Block and meets at point 'C'.
- C-D Line passes through village Telwasa along with the outer boundary of village road and meets at point 'D'.
- D-A Line passes through village Telwasa and proceeds along the outer boundary of Telwasa village and outer boundary of village road and meets at starting point 'A'.

[No. 43015/4/2006-PRIW-I]

M. SHAHABUDEEN, Under Secy.

नई दिल्ली, 19 अक्टूबर, 2006

का.आ. 4209.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाबद्ध अनुसूची में वर्णित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है;

अतः अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्वोक्त करने के अपने आशय की सूचना देती है;

इस अधिसूचना के अंतर्गत आने वाले क्षेत्र का रेखांक सं. जी.ई.ओ./109 तारीख 21 मार्च, 2006 का निरीक्षण भारत कोकिंग कोल लिमिटेड (सम्पदा विभाग), कोयला भवन, धनबाद के कार्यालय में या उप आयुक्त बोकारो (झारखंड) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाऊस स्ट्रीट, कोलकाता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अंतर्गत आने वाली भूमि में, हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों को इस अधिसूचना के प्रकाशन की तारीख से नब्बे दिन के भीतर भारसाधक अधिकारी/विभाग अध्यक्ष (सम्पदा) भारत कोकिंग कोल लिमिटेड, कोयला भवन, धनबाद को भेजे जाएंगे।

अनुसूची

चन्द्रपुरा उप बेसिन, झरिया कोयला क्षेत्र

जिला-बोकारो

रेखांक सं. जी.ई.ओ./109,

तारीख 21 मार्च, 06

(पूर्वक्षण के लिए अधिसूचित की जाने वाली भूमि दर्शित करते हुए) सभी अधिकार

खंड "क"

क्र. सं.	ग्राम	थाना	थाना सं.	जिला	क्षेत्र एकड़ में	क्षेत्र - हैक्टेयर में	टिप्पण
1	पिपराडिह	चन्द्रपुरा	- 107	बोकारो	158.636	64.199	भाग
2	चन्द्रपुरा	चन्द्रपुरा	- 108	बोकारो	99.827	40.399	भाग
3	रातारी	चन्द्रपुरा	- 110	बोकारो	59.797	24.199	भाग
4	रंगामती	चन्द्रपुरा	- 87	बोकारो	40.030	16.200	भाग
5	घातियारी	चन्द्रपुरा	- 88	बोकारो	19.768	8.000	भाग

कुल क्षेत्र : 378.058 एकड़ (लगभग)

या

152.997 हैक्टेयर (लगभग),

सीमा वर्णन :

- क-ख रेखा, "क" बिन्दु से प्रारंभ होती है और ग्राम पिपराडिह से होकर जाती है और ग्राम पिपराडिह और रातारी की सम्मिलित सीमा पर "ख" बिन्दु पर मिलती है।
- ख-ग-घ रेखा, ग्राम पिपराडिह और रातारी की सम्मिलित सीमा से प्रारंभ होती है और चन्द्रपुरा से होकर जाती है और रातारी और चन्द्रपुरा की सम्मिलित सीमा पर "घ" बिन्दु पर मिलती है।
- घ-ङ रेखा, रातारी और चन्द्रपुरा की सम्मिलित सीमा से प्रारंभ होती है और चन्द्रपुरा और रंगामती की सम्मिलित सीमा पर "ङ" बिन्दु पर मिलती है।
- ङ-च रेखा, चन्द्रपुरा और रंगामती की सम्मिलित सीमा से प्रारंभ होती है और पिपराडिह और रंगामती की सम्मिलित सीमा पर "च" बिन्दु पर मिलती है।
- च-छ रेखा, पिपराडिह और रंगामती की सम्मिलित सीमा से प्रारंभ होती है और रंगामती और घातियारी की सम्मिलित सीमा पर "छ" बिन्दु पर मिलती है।
- छ-ज रेखा, रंगामती और घातियारी की सम्मिलित सीमा से प्रारंभ होती है और घातियारी से होकर जाती है और घातियारी और पिपराडिह की सम्मिलित सीमा पर मिलती है।
- ज-क रेखा, घातियारी से होते हुए जाती है और घातियारी और पिपराडिह की सम्मिलित सीमा पर "क" बिन्दु पर मिलती है।

[फा. सं. 43015/2/2006/पीआरआईडब्ल्यू-1]

एम. शहाबुद्दीन, अवर सचिव

New Delhi, the 19th October, 2006

S.O. 4209.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal therein;

The plan bearing No. Geo/109 dated 21st March, 2006 containing the area covered by this notification can be inspected in the office of the Bharat Coking Coal Limited (Estate Department), Koyla Bhaṭṭan, Dhanbad or in the office of the Deputy Commissioner, Bokaro (Jharkhand) or in the office of the Coal Controller, 1, Council House Street, Kolkata.

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred to in Sub-section (7) of Section 13 of the said Act to the Officer-in-Charge / Head of the Department (Estate), Bharat Coking Coal Limited, Koyla Bhaṭṭan, Dhanbad within ninety days from the date of publication of this notification.

SCHEDULE

**Candrapura Sub Basin Jharia Coalfields,
District Bokaro**

Drg. No. Geo/109 dated 21st March, 06 (Showing land to be notified for prospecting)

Block-"A"

Sl. No.	Village	Thana	Thana No.	District	Area in acres	Area in hectares)	Remarks
1.	Pipradih	Chandrapura	107	Bokaro	158.636	64.199	Part
2.	Chandrapura	Chandrapura	108	Bokaro	99.827	40.399	Part
3.	Ratari	Chandrapura	110	Bokaro	59.797	24.199	Part
4.	Rangamati	Chandrapura	87	Bokaro	40.030	16.210	Part
5.	Ghatiari	Chandrapura	88	Bokaro	19.768	8.000	Part

Total Area = 378.058 Acres (approx.)
or 152.997 hectares (approx.)

Boundary Description :

- A-B Line starts from point "A" and passes through village Pipradih and meets at common boundary of village Pipradih and Ratari point at "B".
- B-C-D Line starts from common boundary of village Pipradih and Ratari and passes through Chandrapura and meets at common boundary of Ratari and Chandrapura at point "D".
- D-E Line starts from common boundary of Ratari and Chandrapura and meets at common boundary of Chandrapura and Rangamati at point "E".
- E-F Line starts from common boundary of Chandrapura and Rangamati and meets at common boundary of Pipradih and Rangamati at point "F".
- F-G Line starts from common boundary of Pipradih and Rangamati and meets at common boundary of Rangamati and Ghatiari at point "G".
- G-H Line starts from common boundary of Rangamati and Ghatiari and passes through Ghatiari and meets at common boundary of Ghatiari and Pipradih.
- H-A Line passes through Ghatiari and meets at common boundary of Ghatiari and Pipradhi at point "A".

[F. No. 43015/2/2006-PR1W-1]

M. SHAHABUDEEN, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 25 अक्टूबर, 2006

का.आ. 4210.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 2502 तारीख 20-06-2006 द्वारा, उन अधिसूचनाओं से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गैल (इण्डिया) लिमिटेड द्वारा गुजरात राज्य में दहेज-हजीरा-उरान एवं स्पर (गैल-हजीरा से शेल-हजीरा) पाइपलाइन के माध्यम से प्राकृतिक गैस परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के लिए अपने आशय की घोषणा की थी;

और उक्त राजपत्रित अधिसूचनाओं की प्रतियाँ जनता को तारीख 04-08-2006 को उपलब्ध करा दी गई थी;

और पाइपलाइन बिछाने के संबंध में जनता से कोई आक्षेप प्राप्त नहीं हुए;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार, ने उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित हैं, उस में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्देश देती है कि पाइपलाइन बिछाने के लिए भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख को, केन्द्रीय सरकार में निहित होने की बजाए, पाइपलाइन बिछाने का प्रस्ताव करने वाली गेल (इण्डिया) लिमिटेड में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग का अधिकार, इस प्रकार अधिरोपित निबंधनों और शर्तों के अधीन रहते हुए, सभी विल्लंगमों से मुक्त, गेल (इण्डिया) लिमिटेड में निहित होगा।

अनुसूची

जिला	तहसील	गाँव	सर्वे नं.	आर.ओ.यू. अर्जित करने के लिए क्षे. (हेक्ट. में)
सूरत	चोर्यासी	मोरा	168 (पैकी)	0.3000
			योग	0.3000

[फा. सं. एल-14014/20/04-जी.पी. (भाग-1)]

एस. बी. मण्डल, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 25th October, 2006

S.O. 4210.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2502 dated 20-06-2006 issued under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to those notifications for the purpose of laying pipeline for transport of natural gas through Dehej-Hazira-Uran and its spur (GAIL-Hazira to Sheel-Hazira) pipeline in the State of Gujarat by the GAIL (India) Limited;

And whereas copies of the said Gazette notifications were made available to the public on 04/08/2006;

And whereas no objections were received from the public to the laying of the pipeline;

And whereas the Competent Authority has, under Sub-section (1) of Section 6 of the said Act, submitted its report to the Central Government;

And whereas the Central Government has, after considering the said report, decided to acquire the Right of User in the lands specified in the Schedule;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the Right of User in the land specified in the Schedule is hereby acquired for laying the pipeline.

And, further, in exercise of the powers conferred by Sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the Right of User in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest, on this date of the publication of the declaration, in the GAIL (India) Limited, free from all encumbrances.

SCHEDULE

District	Tahsil	Village	Survey No.	Area to be acquired for R.O.U. (in Hect.)
SURAT	CHORYASI	MORA	168 (Paiki)	0.3000
			Total	0.3000

[F. No. L-14014/20/04-G.P.(Part-I)]

S.B. MANDAL, Under Secy.

श्रम और रोज़गार मंत्रालय

नई दिल्ली, 3 अक्टूबर, 2006

का. आ. 4211.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 134/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-10-2006 को प्राप्त हुआ था।

[सं. एल-22012/30/2001-आई आर (सी. एम.-II)]
अजय कुमार गौड़, डैस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 3rd October, 2006

S.O. 4211.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 134/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the management of SECL, Kusmunda Project, SECL, and their workman which was received by the Central Government on 3-10-2006.

[No. L-22012/30/2001-IR (CM-II)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR**

No. CGIT/LC/R/134/02

PRESENT:

Shri C. M. Singh, Presiding Officer

Shri P. Baladrishnan,
Through General Secretary,
Chhattisgarh Khadan Kharkhana Mazdoor Union,
Village and P. O. Bankimongra,
Korba (MP) ... Workman/Union

Versus

The Deputy General Manager,
SECL, Kusmunda Project,
PO: Kusmunda Colliery, Distt. Korba,
Korba (MP)

The Chief General Manager,
SECL, Kusmunda Project,
PO: Kusmunda Colliery, Distt. Korba,
Korba (MP) ... Managements

Bench of Lok Adalat

1. Shri C. M. Singh, Presiding Officer
CGIT, Cum Labour Court,
Jabalpur ... Chairman
2. Shri R. C. Shrivastava,
Advocate ... Member
3. Shri Liyakat Ullah,
Advocate ... Member

AWARD

Passed on this 17th day of September, 2006

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/30/2001-IR (CM-II) dated 2-9-02 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the management of SECL, Kusmunda Project, Distt. Korba (Chhattisgarh State) in deducting the penal rent from the salary of Sh. P. Baladrishnan, Clerk-I and that also during the pendency of conciliation proceedings is legal and justified? If not, to what relief the workman is entitled?”

2. In this reference, application (paper No. 9) has been moved by workman Shri Baladrishnan with the prayer that he may be permitted to withdraw this case as not pressed. Shri A. K. Shashi, Advocate for the management has no objection against the aforesaid application of the workman and therefore the reference was closed for award.

3. It is very clear from the above that the dispute has been settled between the parties perhaps on the basis of compromise and therefore the workman has moved the aforesaid application for withdrawing this reference proceeding. Likewise Shri A. K. Shashi, Advocate the learned counsel for the management has no objection against the above application of the workman, which clearly means that the industrial dispute has been settled between the parties perhaps on the basis of compromise.

4. In view of the above, it shall be just and reasonable to pass no dispute award. Accordingly no dispute award is passed without any orders as to costs.

5. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH,
PO, CGIT-cum-Labour Court, Jabalpur,
Chairman

R. C. SRIVASTAVA, Advocate
Member

LIYAKAT ULLAH, Advocate
Member

नई दिल्ली, 3 अक्टूबर, 2006

का. आ. 4212.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एन. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 115/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-10-2006 को प्राप्त हुआ था।

[सं. एल-22012/340/2002-आई आर (सी. एम.-II)]
अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 3rd October, 2006

S.O. 4212.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 115/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the management of Northern Coalfields Limited, Jhingurdha Project, and their workman which was received by the Central Government on 3-10-2006.

[No. L-22012/340/2002-IR (CM-II)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/15/03

PRESENT:

Shri C. M. Singh, Presiding Officer
Shri Uday Prakash,
Through The Secretary,
NCL Workers Union Singrauli (INTUC),
SHF-152, NCL Colony,
PO Jhingurda, Distt. Sidhi
Sidhi (MP) ... Workman/Union

Versus

The Chief General Manager,
Northern Coalfields Limited,
Jhingurda Project,
PO Jhingurdha, Distt. Sidhi (MP),
Sidli (MP) ... Management

Bench of Lok Adalat

1. Shri C. M. Singh, Presiding Officer
CGIT-Cum-Labour Court,
Jabalpur ... Chairman
2. Shri R. C. Shrivastava,
Advocate ... Member
3. Shri Liyakat Ullah,
Advocate ... Member

AWARD

Passed on this 17th day of September, 2006

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/340/2002-IR (CM-II) dated 24-6-03 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the management of Northern Coalfields Limited, Jhingurdha Project in dismissing Shri Uday Prakash, Dumper Operator from services vide order dated 15-4-98 is legal and justified? If not, to what relief he is entitled?”

2. In this reference, the Secretary of INTUC Shri Shambhu Nath Singh submitted on behalf of the workmen/Union that he does not want to press this reference. Shri A. K. Shashi, Advocate, the learned counsel for the management submitted that he has no objection if no dispute award is passed in the matter without any order as to costs.

3. It is very clear from the above that perhaps the matter has been compromised between the parties and now no dispute is left between them.

4. In view of the above, it shall be just and reasonable to pass no dispute award. Accordingly no dispute award is passed without any orders as to costs.

5. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH,
PO, CGIT-cum-Labour Court, Jabalpur.
Chairman

R. C. SHRIVASTAVA, Advocate
Member

LIYAKAT ULLAH, Advocate
Member

नई दिल्ली, 3 अक्टूबर, 2006

का. आ. 4213.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 123/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-10-2006 को प्राप्त हुआ था।

[सं. एल-22012/222/2002-आई आर (सी. एम.-II)]
अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 3rd October, 2006

S.O. 4213.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 123/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial

Dispute between the management of SECL, and their workman, which was received by the Central Government on 3-10-2006.

[No. L-22012/222/2002-IR (CM-II)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR**

No. CGIT/LC/R/123/03

PRESENT:

Shri C. M. Singh, Presiding Officer

Shri Ramesh Prasad Soni,
Through Area General Secretary,
Rashtriya Colliery Workers Federation,
Johilla Area of SECL,
PO Nowrozabad,
Umaria (MP)

... Workman/Union

Versus

The General Manager,
South Eastern Coalfields Limited,
Johilla Area of SECL,
PO : Nowrozabad,
Umaria (MP)

... Management

Bench of Lok Adalat

1. Shri C. M. Singh, Presiding Officer
CGIT-Cum-Labour Court,
Jabalpur ... Chairman
2. Shri R. C. Shrivastava,
Advocate ... Member
3. Shri Liyakat Ullah,
Advocate ... Member

AWARD

Passed on this 17th day of September, 2006

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/222/2002-IR (CM-II) dated 10-7-03 has referred the following dispute for adjudication by this tribunal :—

“Whether the demand of the Rashtriya Colliery Workers Federation from the management of SECL, Johilla area to redesignate Sh. Ramesh Prasad Soni, General Clerk as Accounts Clerk Grade-I is just and fair? If so, to what relief is the workman entitled and from what date?”

2. In this reference proceeding, Shri A. K. Shashi, Advocate the learned counsel for the management

submitted that the dispute has been settled between the workman and the management and the settlement deed has been filed on record. Shri A. K. Shashi, Advocate, the learned counsel for the management and Shri Tilak Kumar, Senior Personnel Officer for the management proved the settlement deed on record. Shri Tilak Kumar, Sr. Personnel Officer for management also identified the signature of workman Shri Ramesh Prasad Soni on the settlement deed. It shall be worthwhile to note here that notices have been sent to the workman by registered AD post as well as under certificate of posting but he failed to appear. Perhaps the reason is that the matter has been settled between the parties and therefore the workman has no interest in the matter now.

3. It is very clear from the above that the industrial dispute between the parties has been resolved by mutual understanding and now no dispute is left between the parties. The memorandum of settlement reveals the following terms and conditions of settlement :—

1. श्री रमेश प्रसाद सोनी का दिनांक 26-4-95 से संवर्ग सामान्य से परिवर्तित कर लेखा संवर्ग और इनका पद लिपिक श्रेणी प्रथम, सामान्य संवर्ग से परिवर्तित कर लिपिक श्रेणी प्रथम, लेखा संवर्ग कर दिया जायेगा।
2. श्री सोनी इस समझौता से पूर्व लिपिक ग्रेड-प्रथम लेखा संवर्ग से उच्च पद पर हुई अन्य लिपिकों की पदोन्नति को आधार बनाकर अपनी अगली पदोन्नति की मांग नहीं करेंगे।
3. यद्यपि इस समझौता के पश्चात् श्री सोनी की लेखालिपिक श्रेणी-प्रथम पद पर चयन की तिथि 26-4-95 मानी जायेगी तथापि उनकी पदोन्नति पर आगामी श्रमशक्ति बजट में रिक्तियों की उपलब्धता के आधार पर विचार किया जा सकेगा।
4. आरसीडब्ल्यूएफ संघ द्वारा सहायक श्रमायुक्त (के.) शहडोल के समक्ष संस्थित इस प्रकरण के असफलता प्रतिदिन के आधार पर यदि मामला केन्द्र सरकार द्वारा सीजीआईटी के समक्ष न्यायनिर्णयन हेतु संदर्भित किया जाता है तो श्री सोनी उस प्रकरण को सीजीआईटी से वापस ले लेंगे।
5. यह समझौता पूर्णतया अंतिम है तथा इसे भविष्य में किसी भी न्यायालय/प्राधिकारी के समक्ष नहीं उठाया जा सकेगा।
6. आज दिनांक से 15 दिवस के भीतर दोनों पक्षकार समझौते के पंजीयन हेतु समझौते की एक प्रति सहायक श्रमायुक्त (के.) के समक्ष प्रस्तुत करेंगे।

4. The terms and conditions mentioned above of the settlement are just and proper and therefore the award is passed in terms of settlement without any order as to costs. The reference is decided accordingly.

5. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH,
PO, CGIT-cum-Labour Court, Jabalpur,
Chairman

R. C. SHRIVASTAVA, Advocate,
Member

LIYAKAT ULLAH, Advocate,
Member

नई दिल्ली, 3 अक्टूबर, 2006

का. आ. 4214.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. एम. पी. डी. आई. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 79/1995) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-10-2006 को प्राप्त हुआ था।

[सं. एल-22012/398/1994-आई आर (सी-II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 3rd October, 2006

S.O. 4214.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 79/1995) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CMPDIL and their workman, which was received by the Central Government on 3-10-2006.

[No. L-22012/398/1994-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/79/95

PRESENT:

Shri C. M. Singh, Presiding Officer

The Secretary,

R. C. M. S. (INTUC),

PO : Jayant Colliery,

Sidhi

... Workman/Union

Versus

The CMD, CMPDIL,

Gondwara Place,

Kanke Road,

Ranchi

... Management

Bench of Lok Adalat

1. Shri C. M. Singh, Presiding Officer
CGIT-Cum-Labour Court,
Jabalpur

... Chairman

2. Shri R. C. Shrivastava,
Advocate

... Member

3. Shri Liyakat Ullah,
Advocate

... Member

AWARD

Passed on this 17th day of September, 2006

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/398/94-IR (C-II) dated 16-5-95 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of Chairman-cum-Managing Director, Coal Mines Planning and Design Institute Ltd., Ranchi in superceding Shri Abid Hussain Ansari, Cat-I, General Mazdoor (Peon) at CMPDIL, RI-VI, Singrauli by promoting persons junior to him to the post of clerk Gr.-III is legal and justified? If not, to what relief the workman is entitled?”

2. In this reference proceeding, the workman moved an application with the submission that he wants to withdraw the case on their own without any pressure from any corner. Shri A. K. Shashi, Advocate the learned counsel for the management moved another application for preponing the date for taking the case in Lok Adalat. In this application, it has also been submitted on behalf of management that the management discussed the case with the workman out of the court who convinced with the stand of the management. Shri A. K. Shashi, Advocate the learned counsel for the management submitted that he has no objection if no dispute award without any order as to costs is passed in this case.

3. It is very clear from the above that the matter has been compromised between the parties and it shall be just and reasonable to pass no dispute award. Accordingly no dispute award is passed without any order as to costs.

4. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH,
PO, CGIT-cum-Labour Court, Jabalpur,
Chairman

R. C. SHRIVASTAVA, Advocate,
Member

LIYAKAT ULLAH, Advocate,
Member

नई दिल्ली, 3 अक्टूबर, 2006

Date of reserving Award : 20th June, 2006

Date of passing of Award : 13th July, 2006

का. आ. 4215.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आयरन एंड मैंगनीज ओर वेलफेयर ऑर्गेनाइजेशन के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-II, मुम्बई के पंचाट (संदर्भ संख्या 2/40/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-9-2006 को प्राप्त हुआ था।

[सं. एल-27012/44/85-डी-III (बी)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 3rd October, 2006

S.O. 4215.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 2/40/2004) of the Central Government Industrial Tribunal/Labour Court-II, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Iron and Manganese Ore Welfare Organisation and their workman, which was received by the Central Government on 29-9-2006.

[No. L-27012/44/85-D-III (B)]

B. M. DAVID, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, MUMBAI****PRESENT:**

Shri A. A. Lad, Presiding Officer

Reference : CGIT-2/40 of 2004

(Old Ref. No. CGIT-2/39 of 1986)

Employers in relation to the management of :

Welfare Commissioner, Iron and Manganese Ore Welfare Organization, Panaji, Goa.

AND

Their Workmen.

Newton Mazarelo,
R/o Velim, Olizaino,
Mascarenhas Waddo, Salcete, Goa.

APPEARANCE:

For the Employer : Mr. N. J. Gonsalves,
Advocate

For the Workmen : Mr. Cruz Mazarelo,
Representative

AWARD-II

The matrix of the facts as culled out from the proceeding are as under :

1. Writ Petition No. 153 of 199 was filed under Articles 226 and 227 of the Constitution challenging the Award passed by the Central Government Industrial Tribunal on 18th June, 1998 in Reference No. CGIT-2/89 of 1986 and by the said Order Second Party Workman was directed to be reinstated with continuity in service and with full back wages from the date of termination, i.e. 15th October, 1980 and the order of termination dated 15th October, 1980 was held to be not justified. The said Award came to be confirmed by the learned single Judge and, therefore, an intra-Court appeal was treated by Hon. Division Bench of our High Court sitting at Goa for correction of the said Order dated 6th February, 2004.

2. The employee i.e. 2nd Party Workman came to be appointed in the temporary post of Laboratory Technician in the office of the Vice Chairman of the Iron Ore Mines Labour Welfare Fund Advisory Committee for Goa, Daman and Diu by Memorandum dated 12th March, 1974 and by the further Order dated 25th April, 1974, issued by the Vice Chairman of the Iron Ore Mines Labour Welfare Fund Organization at Goa, became to be appointed as temporary laboratory Technician in the Central Hospital, Tiska, Darbandore, under the office of the Vice Chairman of the said organization/committee in the pay scale of Rs. 180—300. The post of Laboratory Technician is a permanent post, but the employee was appointed on temporary basis. After about six years his services came to be terminated by the Order dated 15th October, 1980 passed by the Welfare Commissioner by invoking his powers under Rule 5(1) of the Central Services (Temporary Services) Rules, 1965 (hereinafter referred to as the Rules, for short). The said termination order came to be challenged in Writ Petition No. 111 of 1982 and the said petition was disposed as withdrawn after it was amended. The employee thereafter submitted a representation dated 3rd September, 1984, and raised an industrial dispute before the Assistant Labour Commissioner (Central), Vasco da Gama, alleging that the Welfare Commissioner—Iron and Manganese Ore Welfare Organization, Panaji had illegally terminated his services with effect from 15th October, 1980. The Conciliation officer submitted his failure report dated 1st August, 1985 to the Secretary, Ministry of Labour, Government of India and a reference under Section 10(1) of the Industrial Disputes Act for adjudication came to be made by the Labour Ministry. The issue referred for adjudication read thus :—

“Whether the action of the management of Welfare Commissioner, Iron and Manganese Ore Welfare Organization, in respect of Central Hospital, Tiska in

terminating the services of Shri Newton Mazarelo, Laboratory Technician with effect from 15th October, 1980 is justified? If not, to what relief the workman is entitled?"

3. Before this Tribunal, the reference came to be registered as Reference No. CGIT-2/39 of 86 and on consideration of the respective averments as well as the evidence before it, this Tribunal by its Award dated 18th June, 1998 allowed the reference directing reinstatement of 2nd Party with full back wages and continuity in service.

4. The 1st Party filed its written statement under the signature of the Welfare Commissioner on 3rd February, 1987 at Exhibit 6. In para 6 of the said Written Statement it set out in detail the unsatisfactory service record of the employee right from 1977. In para 8 it set out the instances of dereliction of duty by the employee and in para 9 the reasons for issuance of the termination order as well as non-applicability of the provisions of Section 25(f) of the Industrial Disputes Act, 1947. In para 9 of the Written Statement (Exhibit 6) submitted before the Tribunal as under:

"9. The record of preference by Shri Newton Mazarelo, being as narrated above, his incompatible temperament with the other staff his habit of needling with other people affairs, his failure to think and act clearly, the adverse remarks of the past 3 years and above all his profession dishonesty in rendering bogus investigation reports, without carrying out the necessary investigation, compelled the Welfare Commissioner to take stern action against him. As the very lives of the patients were in danger and the reputation of the Organization was at stake, the services of Shri Newton Mazarelo, Lab. Technician who was a purely temporary employee, had to be terminated with immediate effect on 15-10-1980, under Rule 5(1) of the Central Civil Services (Temporary Service) Rules, 1965, by paying him a month's salary in advance in lieu of one month's notice. The Welfare Commissioner submits that he was within his rights to terminate the services of the employee, Shri Newton Mazarelo, who was a temporary employee, under Rule 5(1) of the said Rules, is therefore, submitted that the termination of the services of the employee, Shri Netwen Mazarelo, is fully justified and is in order. If an inquiry was to be held in the charges leveled against him, there would have been a time lag, not to speak of the public scandal and the harm which would have been caused to the reputation of the Hospital. The case of Shri Newton Mazarelo was a typical case of the Employer losing confidence in the employee whose continuance in service even for a brief period for holding an inquiry under the service rules was neither possible nor advisable in view of the dangerous consequences which would have possibly ensued in treating the patients.

Considering his deliberate acts of submitting bogus investigation reports and of not entering MRD Nos. on the reports giving rise to possibilities of wrong reports being connected to the case papers of the patients resulting in complications and fatalities of the patients. In view of this, the employer submits that the action taken to terminate the services of Shri Newton Mazarelo with immediate effect under Rule 5(1) of Central Civil Services (Temporary Services) Rules, 1965, was not only warranted but was the only course open to the Employer in the circumstances. The Employer seeks to rely on the various rulings of the High Courts and the Supreme Court which have upheld such action taken by the Employer for loss of confidence in the employee and have held that such termination does not violate Section 25F of the Industrial Disputes Act, 1947, which enacts a safeguard against wrongful retrenchment. In the circumstances, the Employer submits that the Employer was not under a legal obligation to pay retrenchment compensation to the applicant while terminating his services under Rule 5(1) of the said Central Civil Services (Temporary Service) Rules, 1965."

5. In view of the above pleadings my Ld. Predecessor framed Issues at Exhibit 13 and on the basis of the said Issues Award was passed by my Ld. Predecessor on 18th June, 1998 holding termination under the challenge not justified with directions to 1st Party to reinstate 2nd Party Workman alongwith full back wages and continuity of service. Said Award was challenged by 1st Party by filing Writ Petition No. 153 of 1999. While disposing of the said Writ Petition Hon'ble High Court confirmed the Order of my Ld. Predecessor. Said order was challenged by the 1st Party by filing Letters Patent Appeal No. 5 of 2004. Our Hon'ble Division Bench sitting at Goa remanded the matter for fresh adjudication by making certain observations by quashing and setting aside the impugned order passed by my Ld. Predecessor which was upheld by Hon'ble Single Bench sitting at Goa observing that the view taken by Single Bench of Bombay High Court sitting at Goa while deciding the Writ Petition No. 153 of 1999

"does not appear to be keeping with the well-established legal position in so far as the employees of the Central Government employees are concerned."

6. In view of the observations made by our Hon. Division Bench sitting at Goa, Issues arise at this juncture for determination which I answer as follows:

Issues	Findings
(i) Whether termination dated 15th October, 1980 services of 2nd Party was a punitive order or an order of discharge simpliciter?	Order of discharge simpliciter

- | | |
|--|--------------------|
| (ii) Whether it is justifiable looking Rule 5(1) of Rules framed under Article 309 as well as Articles 114, 16 and 311 of Constitution ?
Or | Yes |
| (iii) Whether said termination fall under illegal retrenchment within meaning of Section 2(oo) of Industrial Disputes Act ? | No |
| (iv) What order ? | As per Order below |

ISSUES 1 TO 3**REASONS :**

7. In Support of his case the employee, 2nd Party Workman, had submitted affidavit by way of examination-in-chief and he was cross-examined by then Department. On behalf of the Department, two witnesses, namely Mr. Aziz Ahmed, S/o Abdul Halim, Welfare Administrator and Mr. A. Soiddeshi, Assistant Welfare Commissioner, were examined. It was contended that the Iron Ore Mines Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund came to be constituted under the Iron Ore Mines and Chrome Ore Mines Labour Welfare Fund Act, 1976 by the Government of India, by invoking its rule-making powers under Section 14 and the Government of India has framed the Iron Ore Mines Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund Rules, 1978. Rule 18 therein states that persons appointed under Section 8 shall be governed by such rules relating to the terms and conditions of service applicable to Central Government Service. Section 8(2) of the Iron Ore Mines Act states that the Central Government may, by general or special order, direct a Welfare Commissioner to appoint such staff as is considered necessary for the purpose of the Act and the Iron Ore Mines Manganese Ore Mines and Labour Welfare Cess Act, 1976. As per Section 8(3) of the Act every person appointed shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code. There is no dispute that the Welfare Commissioner was the appointing authority for employee, the employee was a servant of the Central Government and his service conditions were governed by the Central Civil Services (Temporary Services) Rules, 1965.

8. Though First Party made out case through its witness, the details of unsatisfactory service record purportedly leading to loss of confidence and supporting the disciplinary authority's powers under Rule 5(1) of the Rules to terminate a temporary employee without assigning any reasons, my predecessor held that the said termination amounted to retrenchment within the meaning of Section 2(oo) of the Industrial Disputes Act. The said termination,

was in contravention of the provisions of Section 25(f) of the said Act and the termination was not justified. The primary issue regarding the jurisdiction of the Tribunal to entertain and adjudicate the reference was also answered against the First Party.

9. While deciding the above Letters Patent Appeal Division Bench dealt with the alleged Issue of non-payment of notice pay alongwith the termination order dated 15th October, 1980 by referring case of Management of M.C. D. Vs. Prem Chand Gupta and Anr. (AIR 2000 S. C. 454), it has been held that consequent to the amendment of Rule 5 of the Rules with effect from 1st May, 1965, the failure to make the payment of notice pay/compensation, does not vitiate the termination order as the payment of compensation simultaneously with the order of termination is not a condition precedent. Referring decision of the Supreme Court which examined the applicability of Section 25F of the 6th I.D. Act wherein it is observed that even though the termination order was issued under Rule 5(1) of the Rules it is noticed that the provisions of Section 25F got squarely attracted as the order of termination was not by way of punishment, by referring to its earlier decision by a three Judge Bench in the case of State Bank of India Vs. N. Surendara Money, (AIR 1976 S. C. 1111) and Constitution Bench Judgment in the case of Punjab Land Development Officer, Labour Court, Chandigarh, (1990) 3 SCC 6821. In all these cases the employer was either a corporation, company or undertaking owned by the Central Government or the State Government. Such is not the case at hand. Here First Party is Central Government activity i.e. Hospital and not an Industry. It is observed that :

"The employee was the servant of the Government of India and not of any corporation or company owned by the State or Central Government ?"

10. Under such circumstances, it is observed by our Hon'ble Division Bench sitting at Goa while examining the challenged termination order dated 15th October, 1980, on the ground of its justifiability, the following three issues were required to be adjudicated upon :

- whether the termination order was punitive or stigmatic and/or amounted to punishment;
- whether it was required to be proceeded by a departmental enquiry regarding the unsatisfactory service record, dereliction in duty and loss of confidence, etc. and
- whether the termination order was in breach of any of the service rules or guarantee provided under Article 311 read with Articles 14 and 16 of the Constitution;

and also observed that :

"The Tribunal did not do so and in fact, it appears to have been overwhelmed by the contentions of the

employee that his termination amounted to retrenchment and as there was failure to comply with Section 25F of the I. D. Act, the termination order was illegal. This approach of the Tribunal was manifestly erroneous. The term retrenchment has been defined under Section 2(oo) of the Industrial Disputes Act and it means the termination by the employer of the services of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action, but does not include—

- (a) Voluntary retirement of the Workman, or
- (b) Retirement of the workman on reaching the age of superannuation. If the contract employment between the employer and the workman concerned contains a stipulation in that behalf, or
- (bb) termination of the service of the workman as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein; or
- (c) termination of the service of a workman on the ground of continued ill-health.

It is also observed that :—

“On the face of the pleadings raised by the 1st Party in its written statement before the Tribunal (Exhibit 6) admittedly, clause (a) to (c) of Section 2(oo) of the Industrial Disputes Act, were not attracted. However, it was necessary for the Tribunal to record a finding that the termination Order impugned did not amount to punishment or loss of confidence or was not based on unsatisfactory performance. In the case of Chandu Lal Vs. The Management of M/s. Pan American World Airways Inc., (AIR 1985 S. C. 1128), and Komal Kishore Lakshman Vs. Management of M/s. Pan American World Airways Inc. and Ors., (AIR 1987 S. C. 229), it has been held that the termination of services by the employer by way of inflicting punishment for misconduct on the ground of loss of confidence, does not amount to retrenchment within the meaning of Section 2(oo) of Industrial Disputes Act, 1947.”

11. As observed by our Hon'ble Division Bench sitting at Goa, a similar order of termination had come up for consideration before a Three Judge Bench in the case of Air-India Corporation, Bombay Vs. V. A. Revellow and Anr. [(1972) 1 SCC 8141]. One of the two issues decided was whether the termination of service was a dismissal as alleged or was a mere termination of service not amounting to dismissal.

12. The termination order was issued by invoking powers under Regulation 48 of the Air India Employees

Service Regulations and the provisions of the said Regulations are akin to the scheme of Rule 5(1) of the Rules. Regulation 48 states that the service of an employee may be terminated without assigning any reason, as under :

- (a) of a permanent employee by giving him 30 days notice in writing or pay in lieu of notice;
- (b) of an employee on probation by giving him 7 day notice in writing or pay in lieu of notice; and
- (c) of a temporary employee by giving him 24 hours notice in writing or pay in lieu of notice;

In the reply filed before the adjudication, the employer set out in detail the reason for issuing the termination order under Regulation No. 48 in the following words :

“However, without prejudice to this, the Opposite Party says that the Complainant's service was terminated because of the total loss of confidence on account of grave suspicions regarding his private conduct and behaviour with Air Hostesses of the Corporation. The reports and statements from the Air Hostesses concerned cannot be disclosed as they involve the reputation and failure of young unmarried girls. Having regard to this, the Opposite Party could not continue the Complainant in its service and it was constrained to terminate his service in accordance with Regulation 48.”

13. On reading the termination order the Supreme Court held that on its face the language did not show that the complainant's services were terminated because of any misconduct and *prima facie*, therefore, the impugned Order was not an order of discharging or punishing him for any misconduct. It further held that no doubt the position of the Industrial workman is different from that of a Government servant because an Industrial employer cannot hire and fire the workmen based on an unfettered right under the contract of employment, that right being subject to industrial adjudication and there is also, on the other hand, no provision of the Constitution like Articles Nos. 310 and 311 requiring consideration in the case of Industrial Workman. Regarding the interpretations of Regulation No. 48, the Court in para 16 noted that :

“16. Regulation 48 which has been set out earlier as its plain language shows does not lay down or contemplate any defined essential pre-requisite for invoking its operation. Action under Regulation can be validly taken by the employer at his sweet will without assigning any reason. He is not bound to disclose why he does not want to continue in service the employee concerned. It may be conceded that an employer must always have some reason for terminating the service of his employee. Such reasons

apart from misconduct may, inter alia be want of full satisfaction with his overall suitability in the job assigned to the employee concerned. The fact that the employer is not fully satisfied with the overall result of the performance of his duties by his employee does not necessarily imply misconduct on his part. The only thing that remains to be seen is if in this case the impugned is mala fide. The record merely discloses that the appellant had suspicion about the complainant's suitability, for the job in which he was employed and this led to loss of confidence in him with the result that his services were terminated under Regulation 48. In our view, loss of confidence in such circumstances cannot be considered to be mala fide, we are unable to conceive of any rational challenge to the bona fide of the employer in making the impugned order in the above background. The complainant, it may be remembered had to deal with Air Hostesses in the performance of his duties and if the appellant was not fully satisfied beyond suspicion about his general conduct and behaviour while dealing with them in cannot be said that loss of confidence was not bona fide. Once bona fide loss of confidence is affirmed the impugned order must be considered to be immune from challenge. The opinion formed by the employer about the suitability of his employee for the job assigned to him even though erroneous, if bona fide, is in our opinion final and not subject to review by the Industrial adjudication. Such opinion may legitimately induce the employer to terminate the employee, but such termination can on no rational grounds be considered to be for misconduct and must, therefore, be held to be permissible and immune from challenge."

14. The case of Parshotam Lal Dhingra Vs. Union of India [(1958) SCR 828], it was held that any and every termination of service is not a dismissal, removal or reduction in ranks and a termination of service brought about by the exercise of a contractual right is not, per se, dismissal, or removal as has been held in the case of Satish Chander Anand Vs. Union of India, [(1953) SCR 655]. The Supreme Court further went on to observe in the said case as under :

"The use of the expression terminate or discharge is not conclusive. In spite of the use of such innocuous expressions, the court has to apply the two tests mentioned above namely, (a) whether the servant had a right to the post of the rank : or (2) whether he has been visited with evil consequences of the kind hereinbefore referred to ? If the case satisfied either of the two tests then it must be held that the servant has been punished and the termination of his service must be taken as a dismissal or removal from service or the reversion to his substantive rank must be regarded as a reduction in rank and if the

requirements of the rules and Art. 311, which give protection to Government servant have not been complied with, the termination of the service or the reduction in rank must be held to be wrongful and in violation of the constitutional right of the servant".

15. The case, referred by Hon'ble Division Bench sitting at Goa Radhey Shyam Gupta Vs. U. P. State Agro Industries Corporation Ltd. and Anr. [JT 1998 (8) S. C. 585] is the test of 'motive' and 'foundation' behind an order of termination which says :

"In fact, the employer, by opting to pass a simple order of termination as permitted by the terms of appointment or as permitted by the rules so conferring a benefit on the employee by passing a simple order of termination so that the employee would not suffer from any stigma which would attach to the rest of his career, if a dismissal or other punitive order was passed."

16. In case of State of Punjab and Ors. Balbir Singh published in [JT 2004 (7) S. C. 387], referred by our Hon'ble Division Bench sitting at Goa where the Supreme Court summarized the law on termination, dismissal, termination simpliciter and discharge etc., and summarized the legal position in the following words :

"Thus the principles that in order to determine whether the misconduct is motive or foundation of order of termination, the test to be applied is to ask the question as to what was the object of the enquiry. If an enquiry or an assessment is done with the object of finding out any misconduct on the part of the employee and for that reason his services are terminated, then it would be punitive in nature. On the other hand, if such an enquiry or an assessment is aimed at determining the suitability of an employee for a particular job, such termination would be termination simpliciter and not punitive in nature"

17. It is observed by Hon. Division Bench sitting at Goa regarding the case at hand, and the language of the termination used in order dated 15th October, 1980 saying that it is not ambiguous, does not carry any stigma, nor does it indicate that it was founded on a charge of misconduct. The order was plain and simple, based on the powers provided under Rule 5(1) of the Rules. Admittedly the employee filed an appeal/revision under Rule 5(2) of the Rules and the same was turned down as per Order dated 12th October, 1981. The employer set out the reasons for termination in its written statement for the first time as the employee challenged the order of termination stating that it was not an order of punishment, nor was it stigma and it amounted to discharge simpliciter, and thus retrenchment within the meaning of Section 2(oo) of the Industrial Disputes Act. To repeal these contentions the employer set out the details regarding the service record, the instances of dereliction of duty, the adverse confidential

reports for three years and other acts leading to loss of confidence in the employee. The employee had denied and disputed the instances set out in Paragraphs 6 and 7 of the written statement. It was observed that, therefore, it was imperative for the Industrial Tribunal to first decide the issue whether the order of termination dated 15th October, 1980, was a punitive order or as an order of discharge simpliciter. If the Tribunal had come to the conclusion that it was a punitive order, it was necessary for the Tribunal to call upon the employer to place on record the oral and documentary evidence which in turn could have been countered by the employee, so that the Tribunal could have arrived at a conclusion whether the punishment of dismissal was warranted. If the order of termination is not by way of punishment and if the employer is able to prove its case regarding loss of confidence, even then the termination order would not be within the ambit of the terms "retrenchment". It is observed that on the face of the plea taken by the employer elaborately in its written statement, it was not permissible for the Tribunal to consider the sole issue regarding retrenchment and non-compliance of Section 25F of the I. D. Act. It is fact that the employer impliedly relied upon clause (b) of the second proviso to Article 311(2) of the Constitution in its decision not to conduct an enquiry against the employee and said view is taken in a catena of decisions that the employer may justify in a given set of facts that the order of dismissal or removal from service would be legal even in the absence of holding an enquiry contemplated under Article 311(2). If the termination order smacks of any arbitrary act by the employer it would violate Article 16 even though the employee was ad hoc or casual, as has been held in the case of Kumari Shrelekha Vidyarthi and Ors. Vs. State of U. P. and Ors. [1991 (1) SCC 22]".

18. The Hon'ble Division Bench sitting at Goa also observed that the employees of the Central Government or the State Government, as the case may be are governed by the service rules framed under Article 309 of the Constitution and it cannot be said that the Central Civil Service Rules would not apply and the relationship will be governed by the provisions of the I.D. Act. The observations made by the Learned Single Judge may apply to the casual/daily wagers or those employed on projects of the Central/State Governments, but not covered by our service rules framed under Article 309 of the Constitution. Section 13B of the Industrial Employment (Standing Orders) Act, 1946, states that nothing therein shall apply to an industrial establishment insofar as the workmen employed therein are persons to whom the Fundamental and Supplementary Rules, Civil Service (CCA) Rules, Civil Service (Temporary Service) Rules, etc. or any other rules or regulations as may be notified in this behalf by the appropriate Government in the official Gazette.

19. Case of Pramod Jha & Ors. Vs. State of Bihar and Ors. (AIR 2003 S. C. 1872), referred reveals that a large

number of workers were engaged on daily wage basis in Government Departments and more particularly on specific projects/schemes. When they found to be surplus termination of their service was effected by complying with the provisions of Section 25F of the I.D. Act. It is obvious that these daily wagers were not served by any service rules framed under Article 309 of the Constitution.

20. In the case of State of Uttar Pradesh and Anr. Vs. Kaushal Kishore Shukla [(1991) 1SCC 691], a three Judge Bench held :

"(1) In our opinion, the principles of last come first go is applicable to a case where on account of reduction of work or shrinkage of cadre retrenchment takes place and the services of employees are terminated on account of retrenchment. In the event of retrenchment the principle of last come first go is applicable under which senior in service is retained while the juniors services are terminated. But this principle is not applicable to a case where the services of a temporary employee are terminated on the assessment of his work and suitability in accordance with terms and conditions of his service.....

(2) Under the service jurisprudence a temporary Government employee has no right to hold the post and his services are liable to be terminated in accordance with the relevant service rules and the terms of contract of service. If on the perusal of the character, roll entries or on the basis of preliminary enquiry on the allegations made against an employee, the competent authority is satisfied that the employee is not suitable for the service whereupon the services of the temporary employee are terminated, no exception can be taken to such an order of termination

A temporary employee's services are liable to be terminated by giving one month's notice without assigning any reason either under the terms of the contract providing for such termination, or under the relevant statutory rules regulating the terms and conditions of temporary Government servants :

(3) A temporary Government servant can, however, be dismissed from service way of punishment. Whenever, the competent authority is satisfied that the work and conduct of a temporary servant is not satisfactory or that his continuance in service is not in public interest on account of his unsuitability, misconduct or inefficiency, it may either terminate his services in accordance with the terms and conditions of the service or the relevant rules or it may decide to take punitive action against the temporary Government servant. If it decides to take punitive action it may hold a formal inquiry by framing

charges and giving opportunity to the government servant in accordance with the provisions of Article 311 of the Constitution. Since, a temporary government servant is also entitled to the protection of Article 311(2) in the same manner as a permanent government servant, very often, the question arises whether an order of termination is in accordance with the contract of service and relevant rules regulating the temporary employment or it is by way of punishment. It is now well-settled that the form of the order is not conclusive and it is open to the court to determine the true nature of the order."

21. The recent referred of *Dhananjay Vs. Chief Executive Officer, Zilla Parishad, Jalna* (AIR 2003 S. C. 1175), in which the Supreme Court stated :—

.....
Since, the respondent is only a temporary Government servant, the power being available under R. 5(1) of the Rules, it is always open to the competent authority to invoke the said power and terminate the services of the employee instead of conducting the enquiry or to continue in service a Government servant accused of defalcation of public money. Reinstatement would be charter for him to indulge with impunity in misappropriation of public money."

22. The case referred of *Mathew P. Thomas Vs. Kerala Civil Supply Corporation Limited and Ors.* [(2003) 3 SCC 263] in which the Supreme Court observed that :—

"From a long line of decisions it appears to us that whether an order of termination is simpliciter or punitive has ultimately to be decided having due regard to the facts and circumstances of each case. Many a times the distinction between the foundation and motive in relation to an order of termination either is thin or overlapping. It may be difficult either to categorize or classify strictly orders of termination simpliciter falling in one or the other category, based on misconduct as foundation for passing the order of termination simpliciter or on motive on the ground of unsuitability to continue in service."

23. It is observed that having regard to the above listed enunciations, no doubt that the reference made to the Tribunal in respect of the termination of services of the 2nd Party workman by invoking the powers under Rule 5(1) of the Rules, was required to be examined on the touch-stone of the service Rules framed under Article 309 as well as Articles 14, 16 and 311(2) of the Constitution of India and not on the purported ground of illegal retrenchment within the meaning of Section 2(oo) of the Industrial Disputes Act. So it is observed that it would be, therefore, necessary to remand the reference for fresh adjudication on the issues listed hereinabove.

24. The observations made by our Hon'ble High Court, Division Bench, sitting at Goa require to consider

whether action of the management in terminating the services of 2nd Party are required to be examined at the touch-stone of Rules framed under Article 309 as well as Articles 14, 16 and 311(2) of the Constitution of India and not only on the purported ground of illegal retrenchment within the meaning of Section 2(oo) of the Industrial Disputes Act.

25. To support that 1st Party submitted written arguments at Exhibit 54 which is replied by the 2nd Party Workman by filing written submissions at Exhibit 56 with number of case laws.

26. On the discussions made by Hon'ble High Court, Division Bench, sitting at Goa referred above and the observations made therein it is crystal clear that, the order passed by my Ld. Predecessor that termination was illegal directing 2nd Party to reinstate with benefits of back wages concerned is set aside. Even the Division Bench sitting at Goa observed that, action of termination is under challenge, it is punitive one then in that case employer should place evidence on record to prove it and in turn employee should get an opportunity to counter it. If such a termination is not by way of punishment and if the employer is able to prove its case of loss of confidence on employee even then termination order would not be within the definition of 'retrenchment'. Even it is observed that, Tribunal cannot consider the sole issue regarding retrenchment and non-compliance of Section 25(f) of Industrial Disputes Act. It should be noted that, the employer relied on provisions of Article 311(2) of the Constitution of India which protects such employers in not conducting enquiry against the employee who lost confidence of it. So in short, we have to see, whether termination under challenge is justified.

27. As observed by Hon'ble Division Bench that order under challenge dated 15th October, 1980 is not ambiguous and does not carry stigma nor does it indicate that it was founded on the charge of misconduct. Even it is observed that the said order was plain and simple based on the powers provided under Rule 5(1) of Rules. Even employee preferred appeal/revision under Rule 5(2) of the Rules and the same was turned down by the employer while turning down the appeal of the Workman, the Employer set out reasons for termination. Even that fact is admitted by the Workman. Since he challenged it saying that it is not an order of punishment nor was it stigmatic and it amounted to discharge simpliciter and thus treated not within the meaning of Section 2(oo) of Industrial Disputes Act. So definitely order under challenge was simpliciter order of termination which does not attract stigma and which is also not punishment. Record and proceedings reveal that since work of the 2nd Party Workman was not satisfactory and since he was working with a Institute like Hospital which is so related with the Society at large and connected with the health hazard of the public at large of that area. First Party decided to remove

2nd Party so that the hurdle created by him in such services can be removed. It is to be noted that 2nd Party was in the employment of the 1st Party. Number of complaints were pending against him. Number of allegations were leveled against him. It is matter of record that, he was not punctual in duties. It is a matter of record that, he was not residing at the residence provided to him though he was bound to stay there. Even he did not sought permission to stay away from the confirmed accommodation allotted to him which was service condition of the 2nd Party. The accommodation was provided to 2nd Party to facilitate him to give all his efforts to the services for which he was appointed. By taking action under challenge 1st Party simply removed him, confirming that his work was not satisfactory and the purpose for which he was appointed does not suffice.

28. Second Party submitted Written submissions after remand of the matter with number of citations in support of its contentions. Most of the citations are on the point of 1st Party's status as an "Industry" presuming 1st Party is an "industry". Citation published in AIR 1960 SC p. 610 [*State of Bombay V/s. Hospital Mazdoor Sabha*], {2} (1975) 2 SCC p. 847 [*workman Vs. Indian Standard Institution*], {3} (1978) 2 SCC page 215 (*Bangalore Water Supply V/s. Rajappa*), {4} citation published in 1999 2 BCR p. 575 (*Cipriano Ribeiro V/s. Directorate of Health Services*), {5} unreported judgments from Writ Petition No. 388 of 1993 (*Gajanan Chari V/s. State of Goa*), {6} Writ Petition No. 19 of 2000 (*Alex Fernandez V/s. State of Goa*), {7} Writ Petition No. 216 of 1993 (*Yeshwant Naik V/s. State of Goa*, K. B. Santineshkar V/s. State of Goa) are revolving around definition and status of "Industry" and are referred by the 2nd Party treating 1st Party is an "Industry" Citation published in 1977 Lab. I. C. page 803 (*State of Bihar V/s. Presiding Officer, Industrial Tribunal*) regarding powers of the Industrial Tribunal to decide disputes of employees working with employers like 1st Party. However, in my considered view on going through the observations made by our Hon'ble High Court Div. Bench sitting at Goa does not permit us to treat 1st Party purely as an industry as presumed by the 2nd Party Workman all the while. So number of these citations does not help in any ways to the Second Party Workman to take 1st Party within the ambit of definition of "Industry" treat it as defined under Section 2(j) of the Industrial Act. Even Hon'ble Division Bench of our Hon'ble High Court sitting at Goa categorically observed that 2nd Party was appointed by the Welfare Commissioner. His activities are governed by the Central Government Employees Rules. When his activities were governed by the Central Government Employees Rules, how 2nd Party can be treated other than the Government employee? And above, by discussing case of (1) *Management of M. C. D. Vs. Prem Chand Gupta and Anr.* (AIR 2000 S. C. 454), (2) case of *State Bank of India Vs. N. Surendara Money* published in AIR 1976 S. C. 1111 and (3) *Punjab Land Development Officer, Labour Court,*

Chandigarh published in (1990 3 SCC 6821) Hon'ble Division Bench of our Hon'ble High Court sitting at Goa observed, that non-payment of compensation does not vitiate the termination order as payment of compensation simultaneously with order of termination is not the condition precedent by the said termination order as the payment of compensation simultaneously with order of termination is not the condition precedent. It is to be noted that one month salary in lieu of notice was given to the 2nd Party Workman. It also reveals that the Division Bench of our Hon'ble Court sitting at Goa was not impressed by the 2nd Party that notice was not given and act of non offering retrenchment compensation before taking action against him vitiate the termination. It is also observed by the Hon'ble Division Bench of our Hon'ble High Court sitting at Goa that, "Tribunal did not consider whether termination order was punitive or stigmatic and whether it was required to be preceded by departmental enquiry regarding unsatisfactory service record and whether termination order was in breach of any service Rules or guarantee granted under Article 311 read with 14 and 16 of the Constitution of India. It is specifically observed that, the approach of the Tribunal was "manifestly erroneous". Even the Division Bench of our Hon'ble High Court sitting at Goa observed that, the stand taken by the 1st Party that Clause 2(a) of Schedule Section 2(oo) of the Industrial Disputes Act are not attracted by referring case of {1} *Chandu Lal Vs. The Management of M/s. Pan American World Airways Inc.*, published in AIR 1985 S. C. 1128, and {2} *Komal Kishore Lakshman Vs. Management of M/s. Pan American World Airways Inc. and Ors.*, published in AIR 1987 S. C. 229, in which it was observed that termination of services of employee by way of inflicting punishment for misconduct on the ground of loss of confidence does not amount to retrenchment within the meaning of Section 2(oo) of the Industrial Disputes Act. Even the Hon'ble Division Bench of our Hon'ble High Court sitting at Goa observed that the same view is taken in case of *Air-India Corporation, Bombay Vs. V. A. Revellow and Anr.* published in (1972) 1 SCC 814, which was decided by 3 Judge Bench and that case termination was issued by invoking powers under Regulation 48 of Air India Employees Service Regulation and under Rule 5(1) of it. If order of termination on its face of language did not show that the services were terminated because of misconduct and prima facie it is treated said order was not an order of discharge or punishing such an employee for any misconduct. It is also observed that position of the Industrial workman is different from that of the Government servant. Even Hon'ble Division Bench of our Hon'ble High Court sitting at Goa observed that, termination of 2nd Party is not an ambiguous and does not carry any stigma nor it indicates that it was found on charge of misconduct. It was observed plain and simple order of termination given under the powers provided under Rule 5(1) of the Rules. Even it was challenged by the employee by filing appeal under Rule 5(2) which was turned down by

the Management. Even view taken by Hon'ble Single Bench sitting at Goa which decided Writ Petition No. 153 of 1999 where Award of this Tribunal was held proper and just is also observed not correct view. In this set I feel order under challenge dated 15th October, 1980 was not the punitive order and it was simple order of discharge simpliciter. When it is the order of discharge simpliciter in my considered view it does not require to have enquiry and to follow the provisions of retrenchment as it does not come within the ambit of the term of "retrenchment".

29. Considering all this coupled with case made out by both and giving anxious thought to the observations made by the Hon'ble Division Bench of our Hon'ble High Court at Goa I conclude that it is the order of discharge simpliciter and does not require any enquiry and to follow the provisions of retrenchment and I conclude that termination under challenge is justified and proper and does not require any interference.

30. In the view of discussions made above I answer above Issues to that effect.

31. It is to be noted that the 2nd Party has now retired. The said fact is brought on record by filing purshis at Exhibit 57 by the 1st Party. By the said purshis it is reported by the 1st Party that in compliance with the decision given by the Hon'ble Division Bench of our Hon'ble High Court at Goa while remanding matter to this Tribunal for adjudicating freshly they complied the order till 31st May, 2006. They also intimated that the date of superannuation of the 2nd Party happened on 31st May, 2006 and in view of that they will not pay him thereafter the salary as ordered by Hon'ble Division Bench sitting at Goa as he has retired after attaining the age of superannuation. This reveals that 2nd Party got full protection till he retired of his wages and now nothing survive.

32. So considering all this I conclude that, now nothing remains in the Reference. So I pass the following order :

ORDER

- (a) Reference is disposed of as not tenable;
- (b) in the circumstances there is no order as to its costs.

Mumbai,

13th July, 2006.

A. A. LAD, Presiding Officer

नई दिल्ली, 3 अक्टूबर, 2006

क्र.आ. 4216.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूको बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर, के पंचाट (संदर्भ संख्या 111/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-09-2006 को प्राप्त हुआ था।

[सं. एल-12012/113/1998-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 3rd October, 2006

S.O. 4216.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 111/99 of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the Management of UCO Bank, and their workmen which was received by the Central Government on 29-09-2006.

[No. L-12012/113/1998-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/111/99

Shri C. M. Singh, Presiding Officer

Shri Mukesh Kumar Maheshwari,
General Secretary,
Daily Wages Bank Employees Association,
"Hardev Niwas",
9, Sanwer Road,
Ujjain

... Workman/Union

Versus

The Assistant General Manager,
UCO Bank, Zonal Office,
E-5, Arera Colony,
Bhopal (MP)

... Management

Bench of Lok Adalat

1. Shri C. M. Singh, Presiding Officer
CGIT-cum-Labour Court,
Jabalpur ... Chairman
2. Shri R. C. Shrivastava,
Advocate ... Member
3. Shri Liyakat Ullah,
Advocate ... Member

AWARD

Passed on this 17th day of September, 2006

1. The Government of India, Ministry of Labour vide its Notification No. L-12012/113/98/IR (B-II) dated 25-2-99/4-3-99 has referred the following dispute for adjudication by this tribunal :—

"Whether the action of the management of UCO Bank in terminating the services of Shri Mukesh Kumar Maheshwari w.e.f. 9-5-97 and not regularising him is justified? If not, to what relief the workman is entitled for?"

2. In this reference proceeding, an application (Paper No. 17) has been moved on behalf of workman/Union by Shri R. Nagwanshi, General Secretary, Daily Wages Bank Employees Association with the request that no dispute award be passed in this reference. Shri M. R. Chandra, Advocate the learned counsel for the management has no objection to the aforesaid application of the workman/Union.

3. It is very clear from the above that the industrial dispute has been settled between the parties perhaps on the basis of compromise. For the above reason, the workman/Union has prayed for passing no dispute award to which the learned counsel for the management has no objection. It is evident that no industrial dispute is left between the parties now.

4. In view of the above, it shall be just and reasonable to pass no dispute award. Accordingly no dispute award is passed without any order as to costs.

5. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, PO, CGIT-cum-Labour Court,
Jabalpur.
CHAIRMAN

R. C. SHRIVASTAVA, Advocate
MEMBER

LIYAKAT ULLAH, Advocate
MEMBER

नई दिल्ली, 5 अक्टूबर, 2006

का. आ. 4217.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय जीवन बीमा निगम के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट (संदर्भ संख्या 14/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04-10-2006 को प्राप्त हुआ था।

[सं. एल-17012/1/2003-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 5th October, 2006

S.O. 4217.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 14 of 2003) of the Central Government Industrial Tribunal/Labour Court, Kanpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 04-10-2006.

[No. L-17012/1/2003-IR (B-I)]
AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE SRI SURESH CHANDRA, H. J. S.,
PRESIDING OFFICER CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
KANPUR**

Industrial Dispute No. 14 of 2003

In the matter of dispute between :

Smt. Urmila Devi wife of late Chote Lal
R/o Nai Basti Mohalla Devpura,
District Mainpuri, U.P.

AND

The Sr. Divisional Manager
LIC of India, Divisional Office,
Sanjay Place,
Agra, U.P.

AWARD

1. Central Government, Ministry of Labour, New Delhi vide Notification No. L-17012/1/2003/IR (BI) dated 13-5-03 has referred the following dispute for adjudication to this tribunal :—

"Kya Senior Divisional Manager L.I.C. Agra Ke Aadesh Dinank 27-9-2000 Dwara Smt. Urmila Devi Patni Late Chotey Lal Ko Sewa Se Hataya Jana Nyayochit Hai ? Yadi Nahi to Sambandhit Karmkar Kis Anutosh Ke Haqdar Hai?"

2. Briefly stated facts of the case are that the claimant was appointed by the opposite party on compassionate ground due to death of her husband late Chote Lal who was working with the opposite party LIC Agra. The services of the claimant were removed by the opposite party w.e.f. 27-11-2000 without giving any consideration of human aspects and social justice. It is further alleged that prior to the appointment the claimant was required to submit application alongwith requisite certificate about qualification and age of proof which was managed by the younger brother of her deceased husband. The claimant was completely disturbed due to the death of her husband and was quite innocent about process of her appointment under the opposite party. On complaint by someone the opposite party issued a chargesheet on 9-12-99 and constituted an inquiry against the claimant. The complainant confessed and admitted the allegations without any intention of delay as a result of which the Senior Divisional Manager LIC, Agra removed her from the services on 27-11-2000 without considering pathetic conditions of the complainant. Appeal preferred by the claimant went in vain and the decision of the disciplinary authority was maintained by the appellate authority i.e. Zonal Manager, LIC., Kanpur. The claimant having no remedy has now approached this Hon'ble Tribunal with a request to consider the claim and exonerate her from the heavy punishment

under the pressing circumstances who has become unemployed with no other means of livelihood. The claimant has become victim of her simplicity and innocence because she could have got the appointment of peon or cleaner in LIC which is the lowest cadre of service without submitting any certificate whatsoever and there was no necessity of any such action. According to the complainant that in several and similar cases LIC management took lenient view and considered sympathetically and has awarded minimum punishment without removing them from the service. On the basis of above allegations the complainant has prayed that she be reinstated in the services of the management of LIC, Agra by setting aside the removal order imposed upon her by way of punishment together with back wages and all consequential benefits including seniority.

3. The management has contested the claim of the applicant and have also filed detailed objection/written statement in reply to the statement of claim filed by the applicant. It has been pleaded by the opposite party that the applicant was removed from service vide order dated 27-11-2000 after a fair and proper inquiry following the principles of natural justice. It is further alleged that for considering appointment of Smt. Urmila Devi on compassionate ground she was required to submit an application. The declaration made in application dated 25-2-97 and the certificate produced in support thereof are purported to have been submitted by the applicant which are basis of her entry into the service of LIC of India. During the process of age certification it was found that Smt. Urmila Devi had submitted forged School Leaving Certificate No. 1729 as age proof. When explanation regarding false age proof was called for, she admitted of submitting forged school leaving certificate. Thereafter she submitted another School Leaving certificate No. 547 issued by Janta Janardan Vidyalaya Mainpuri mentioning the same date of birth as 5-1-65 and the second school leaving certificate when verified by the corporation, was also found forged. Again she was asked to explain and in her reply she again accepted that she had submitted another false age proof and requested the corporation to verify her age on the basis of third school leaving certificate no. 7 issued by Junior High School Kaurvanta, Mainpuri. The date of birth mentioned as 20-8-54 was verified by the corporation and it was found correct. The date of birth 20-8-54 mentioned in the third certificate was different from the date of birth mentioned in earlier school leaving certificates submitted by Smt. Urmila Devi. On receipt of reply from the applicant, the competent authority issued a chargesheet dated 9-12-99 proper inquiry was conducted and charges levelled in the chargesheet were found correct and the penalty of removal from service of the corporation was imposed on her vide order dated 27-11-2000 in terms of provisions of LIC of India (Staff) Regulation. On the basis of above it has been pleaded that reference be answered in favour of the opposite party and against the applicant.

4. After exchange of pleadings between the parties contesting parties apart from adducing their oral evidence have also filed documentary evidence in support of their respective claims. Management opposite party have examined its officer Sri R. K. Bhathla M. W. 1 whereas applicant herself has examined as W. W. 1 beside filing her affidavit in support of her claim.

5. I have heard the arguments of the contesting parties at length and have also perused the record of the case carefully.

6. It is not in dispute that the services of the applicant have been dispensed with by the opposite party on having been found the age certificate submitted by her to be forged after holding departmental inquiry by way of imposing punishment of removal from service. In her affidavit it has been stated by her that at the time of her husband he was posted at branch office of the management in District Mainpuri and she was given appointment by the opposite party on compassionate ground on the post of peon. She has further stated that she was deeply shocked on account of death of her husband and on the advice of her well wishers she signed the documents for obtaining appointment on compassionate grounds and she was not knowing the fact as to whether or not documents being signed by her were correct or not. On being inquired by the opposite party it came to her notice that the documents which were provided to the opposite party by her well wishers were wrong. Second time too the younger brother of her deceased husband obtained her signature over the application and submitted to the opposite party. It has also been stated by the applicant that the opposite party have taken lenient view in two similar cases and awarded lesser punishment than the applicant. She has also named the persons viz Kunjanlal Cashier working at Divisional Office Varanasi and Smt. Savitri Devi working at Divisional Office Kanpur of the opposite party who were given compassionate appointment and have furnished fake age proof certificate and on inquiry their services were removed but in appeal on the basis of lenient view they were given appointment by the opposite party and similar request was made by the applicant in appeal but the same was not considered by the appellate authority. In her examination in chief before the tribunal she reiterated the same facts as has been stated by her in her affidavit. She goes on to state that she was given appointment on compassionate ground due to death of her husband who was employee of the opposite party on the post of peon. Some papers were got deposited before the opposite party on her behalf by her well wishers which were subsequently found incorrect. On inquiry she immediately accepted the same without any demur and without any delay and even without concealment of any material fact. These papers were got deposited before the opposite party by her well wishers by keeping her in dark as her cousin wanted her service in her place under the opposite party on compassionate ground.

In her cross-examination she has stated that the second certificate was deposited by the younger brother of her deceased husband on her behalf which too was found incorrect thereafter she submitted third certificate which was found correct. In reply to the chargesheet she admitted the fact that earlier certificate filed were false. She also admitted that after rejection of her appeal she did not prefer subsequent memorial before the opposite party.

7. M. W. I Sri R. K. Bhathla in his examination in chief has stated on oath the applicant was issued a chargesheet in respect of fake certificate and an inquiry was conducted against her in which she admitted the charges. She was given proper opportunity in her defence in the departmental inquiry. In his cross examination witness has admitted the fact that the applicant was given compassionate appointment and the certificate filed by her was sent for verification to the concerned school which in turn informed that the certificate is fake one. Witness has also admitted the fact for appointment on compassionate ground at the post of peon the minimum qualification required is class 8th pass. Witness has also admitted the fact that Smt. Urmila Devi filed certificate third time which was found correct. During course of departmental inquiry the certificate submitted showing class 8th pass was not considered.

8. It has been argued on behalf of the workman by her authorised representative that on account of death of her husband she was totally mentally upset and she acted upon on the advised of younger brother of her deceased husband and signed the documents in goodfaith which were submitted on her behalf for obtaining appointment on compassionate grounds. Second time too she acted upon the advise of the younger brother and signed the papers in good faith. During course of inquiry she straightway admitted the fact that earlier certificates got filed on her behalf by the younger brother was fake. It has also been argued by the authorised representative for the workman that during course of inquiry proceedings workman filed another certificate as a proof of her age before the enquiry officer which on inquiry was found correct. This fact has also been admitted by the management witness in his cross-examination. It has also been argued by the auth. representative for the workman that the younger brother of her deceased husband was highly interested to see the workman out from the service of the opposite party and was also interested in obtaining compassionate appointment in place of her and he was the master mind man who tendered ill advise to the poor workman and got submitted fake certificates on her behalf. Under these circumstances the opposite party instead of awarding extreme penalty of removal ought to have considered the case of the applicant on human aspects and social justice and ought to have awarded some lessor punishment. On the other hand it has been argued by the authorised representative for the opposite party that the workman has

admitted the chargesheet during the inquiry and if the punishment of removal has been awarded to the workman the same cannot be interfered.

9. Having considered the rival arguments of the contesting parties tribunal is not ready to accept the arguments advanced by the representative for the management in view of provisions of section 11-A of Industrial Disputes Act, 1947, wherein the tribunal has ample powers to interfere with the order of punishment if the same is found to be shockingly disproportionate to the gravity of the charges or the same is found to be discriminatory in the eye of law. It is the admitted case of the parties that the workman before completion of departmental inquiry has filed another certificate as proof of age before the inquiry officer out the same was not at all considered by the inquiry officer which on inquiry by the department was found correct. It has also come in evidence that earlier certificates regarding age proof of the workman submitted on her behalf by the younger brother of her deceased husband were found fake on inquiry and this fact has been admitted by the workman without any delay on being asked to reply the chargesheet. Workman in her evidence has also admitted this fact before the tribunal. In the opinion of the tribunal in normal course she could not have admitted this fact in reply to the chargesheet had at all been it was in the notice of the workman that the certificates are faged one. Her clear admission regarding fake certificate in reply to chargesheet is clearly indicative of the fact that she was kept in dark by her well wishers especially her cousin who was deeply interested in obtaining appointment on compassionate grounds in place of the workman. Tribunal is further of the view that the cousin of the workman was deeply interested to take advantage of the disturb mental condition of the workman. Under these circumstances these certificates filed on her behalf before the management by the cousin of the workman cannot be used as a sharp edged weapon to victimize the workman by opposite party. It has also come in evidence the third certificate filed by the workman her self before the inquiry officer was found correct still no weightage was given to that certificate by the enquiry officer. There is no circumstance as to why 3rd document filed by the management had not considered the certificate submitted by the workman during the enquiry. Non consideration of the certificate submitted by the workman shows prejudice and bias mindset of the concerned authorities of the management against the poor workman. In view of above discussion the tribunal is of the firm opinion that the workman had become victim at the behest of her cousin and she had not done any act deliberately which may constitute misconduct under disciplinary rules of the corporation, and the attitude and the action of the management cannot be appreciated at all under the facts and circumstances of the case, which is liable to be set aside.

10. Workman in her evidence has stated that in two similar cases where certificates submitted by the employees of the corporation on enquiry were found fake and they were awarded punishment of removal from service after inquiry. But in appeal their punishment was set aside and they were taken back into the service of the corporation. It is to be noted here that these employees have also been provided compassionate appointment by the opposite party. On the basis of above it has been argued by the authorised representative for the workman that the punishment awarded to the workman is highly discriminatory and is liable to be set aside. The evidence of the workman on this point is found uncontroverted therefore, the tribunal is left with no other option but to believe the uncontroverted evidence of the workman on this point and it is held that the punishment awarded to the workman who has been given appointment on compassionate ground is highly discriminatory and is liable to be set aside as the same cannot be sustained in the eye of law.

11. In view of facts and circumstances of the case as discussed above, it is held that the action of the management of Life Insurance Corporation of India, Agra in awarding punishment of removal vide order dated 27-9-2000 is neither legal nor justified and is liable to be set aside. Accordingly the same is set aside and the workman is awarded relief of reinstatement in the service of the corporation with full back wages, seniority and all consequential benefits.

12. Reference is answered accordingly.

SURESH CHANDRA, Presiding Officer

नई दिल्ली, 5 अक्टूबर, 2006

का. आ. 4218.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर, उ. प्र. के पंचाट (संदर्भ संख्या 135/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04-10-2006 को प्राप्त हुआ था।

[सं. एल-12012/615/1998-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 5th October, 2006

S.O. 4218.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 135 of 1999) of the Central Government Industrial Tribunal/Labour Court, Kanpur, U.P. now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 04-10-2006.

[No. L-12012/615/1998-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE SRI SURESH CHANDRA, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, SAEVODAYA
NAGAR, KANPUR, U. P.

Industrial Dispute No. 135 of 1999

In the matter of dispute between :

Sh. Prem Narain Chaurasia
S/o. L. Mohan Lal Chaurasia
R/o. 64/108 Gadaria Mohal,
Kanpur.

AND

The Asstt. General Manager
State Bank of India-II,
Region-II Zonal Office
The Mall, Kanpur.

AWARD

1. Central Government, Ministry of Labour, vide Notification No. L-12012/615/98-IR (B-I) dated 5-5-99 has referred the following dispute for adjudication to this tribunal :—

"Whether the action of the management of State Bank of India, Kanpur in terminating the services of Sri Prem Narayan Chaurasia w.e.f. 1-9-1996 is legal and justified ? If not, to what relief the workman is entitled ?"

2. In short the case of the workman is that he was appointed in State Bank of India Collector Ganj branch at Kanpur from 8-12-86 to 8-4-87 on daily wages as peon under award staff and thereafter he was appointed on the post of Messenger under awarded staff since 1-1-94, at bank's, Ashok Nagar Branch and continued upto 31-8-96 on daily wages and he has worked as labour messenger and canteen boy in the category of IV class. The services of the petitioner has been terminated since 1-9-96 without serving on him a notice for 14 days as provided under Shastri Award and services has been terminated without paying retrenchment compensation and no notice at the time of termination as provided under Section 25-F of the Industrial Disputes Act has been given to the petitioner nor one month's pay in lieu of notice has been paid, hence Section 25F of the Act has been violated. It has also been alleged that the bank has also violated the provisions of Sec. 25G and 25H of the Act read with Rules 77 and 78 of I.D. (Central) Rules, 1957 as several outsiders and juniors to the petitioner have been inducted in services of the bank, hence the bank has shown discrimination. Principle of last come first go has also been violated by the bank while terminating the services of the petitioner illegally w.e.f. 1-9-96. Lastly it has been prayed by the petitioner that the termination order dated 1-9-96 be set aside and the workman may be reinstated in service of the bank with back wages alongwith continuity of service and other benefits attached to the post.

3. Bank filed its reply against the claim statement of the workman wherein it has denied that the petitioner remained ever in continuous employment of the bank for 240 days or more. He is not entitled to raise present dispute as no cause of action ever accrued to him. In view of provisions of Sec. 2(o) (bb), of the I.D. Act, the applicant is not entitled to claim protection of the provisions of Section 25-B of the Act as such his claim is not tenable in the eye of law and is liable to be rejected. Bank has also denied relationship of master and servant or employer and employee between the petitioner and the bank. Claim of the worker is highly belated and suffers from laches consequently is liable to be rejected. It has been admitted by the bank that the petitioner was engaged during the period 26-12-86 to 8-4-87 by the branch of concerned Collectorganj branch, Kanpur as casual labour for casual works on daily wages. Bank has denied the fact that the workman was ever engaged against the post of messenger w.e.f. 1-1-94 to 31-8-96. It has been alleged by the bank that Central Office of the bank used to allocate certain amount as subsidy for various facilities such as provision for canteen facility set up of library and reading room etc. for the purpose of welfare activities and Local Implementation Committee used to be created which are separate entity from the bank, of which branch manager used to be the Ex-Officio President of the said committee. It has been denied by the bank that it ever employed the workman and that it ever terminated the services of the workman. Provisions of Sec. 25F of the Act are not applicable to the facts of the present case. The engagement of the workman by Local Implementation Committee during the period 1-1-94 to 31-8-96 as canteen boy at bank's Ashok Nagar, Kanpur Branch cannot be treated as employment by the bank and as such workman cannot be treated to be an employee of the bank. It has also been denied by the bank that it ever violated the provisions of Section 25G and 25H of the I.D. Act. On the basis of above allegations it has been prayed by the bank that the claim of the petitioner be rejected as there is no relationship of master and servant between the workman and the bank, hence question of termination of the services of the workman by the bank under the facts and circumstances does not arise at all.

4. Workman has also filed rejoinder in the instant case wherein nothing new has been alleged except reiteration of the facts alleged in the claim statement.

5. Workman per list dated 29-5-03 has filed a working certificate in original purported to have been issued by the Branch Manager of Collector Ganj Branch of the Bank which is dated 28-4-87.

6. Workman has examined himself in support of his case as W.W. 1 whereas management has examined its witness by name Madan Kumar Jain as M.W. 1 in support of their case.

7. I have heard the representatives for the parties at length and have also gone through the record of the case carefully.

8. For deciding the controversy involved in the case it has to be seen as to in what capacity the workman remained in the employment of the opposite party bank preceding 12 months from the date of alleged termination. It has been argued by the opposite party bank that there remained no relationship of Master and Servant between the bank and the workman concern. It is the specific case of the opposite party bank that Central Office of the bank used to allocate certain amount as subsidy for various facilities such as provision for canteen facility set up of library and reading room etc. for the purpose of welfare activities and Local Implementation Committee used to be created which are separate entity from the bank of which branch manager used to be the ex-officio president of the said committee and provisions of Section 25-F of I.D. Act are not applicable to those persons engaged by such Local Implementation Committee and opposite party bank has no concern with such committee in any capacity whatsoever. On this point opposite party bank examined Sri Madan Kumar Jain M.W. 1 who in his examination-in-chief on oath has admitted the fact that bank used to provide welfare facilities to its employees through Local Implementation Committee over which bank has no control or right in any manner. Witness has also admitted the fact that the Branch Manager is the Ex-officio President of such Local Implementation Committee. In his cross examination the witness has stated that no regular work of peon is being taken from persons engaged through Local Implementation Committee nor work of messenger is being taken from such employees. Witness expressed his ignorance on the issue as to whether during the period 1-1-94 to 31-8-96 work of clearing was taken from the concerned workman. He further denied the suggestion that workman were ever utilised to work as regular messenger in the bank.

9. As against it workman examined himself as W.W. 1 in support of his case. In his examination-in-chief the witness stated that he was engaged on 8-12-86 in the bank as peon as daily rated worker. He stated that he was used for clearing work in the branch. He admitted the fact that he was appointed as canteen boy and worked as such from 1-1-94 to 31-8-96. From this statement of workman the case as set up by the opposite party bank that he had worked as canteen boy stands fully substantiated. It is further proved that there exist no relationship of employer and employee between the opposite party bank and the workman. Once it is held that there was no relationship of master and servant between the parties under these circumstance the workman cannot be granted benefits made under the provisions of Industrial Disputes Act, 1947.

10. In view of above discussions, it is held that there is no relationship of employee and employer between the workman and the opposite party bank as such workman

cannot be held entitled for any relief as claimed by him. Therefore, reference is bound to be answered against the workman and in favour of the management opposite party bank.

11. Reference is answered accordingly.

SURESH CHANDRA, Presiding Officer

नई दिल्ली, 5 अक्टूबर, 2006

का. आ. 4219.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ ट्रान्स्वोर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, एर्नाकुलम के पंचाट (संदर्भ संख्या 48/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-10-2006 को प्राप्त हुआ था।

[सं. एल-12012/115/2004-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 5th October, 2006

S.O. 4219.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 48/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of Travancore and their workman, which was received by the Central Government on 4-10-2006.

[No. L-12012/115/2004-IR (B-D)]

AJAY KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

PRESENT:

Shri P. L. Norbert, B.A., L.L.B., Presiding Officer

(Friday the 8th day of September, 2006/17th Bhadrapada, 1928)

I.D. 48/2006

(I.D. 63/2004 of Labour Court, Alappuzha)

A. V. Sreekumar,

Ananda Bhavan,

Near Railway Station,

Pandinjattinkara, Kottarakara,

P.O. Kollam-691 506

... Workman

Adv. Shri C. Anil Kumar

The Managing Director,

State Bank of Travancore,

Head Office, Poojapura,

Thiruvananthapuram-695 012

... Management

Adv. Shri Paulose C. Varghese

AWARD

This is a reference made by Central Government under Section 10(1)(d) of Industrial Disputes Act, 1947 for adjudication. The reference is:

“Whether the action of the management of the State Bank of Travancore with Headquarters at Poojapura Trivandrum-12 in imposing the punishment of discharge from service with superannuation benefits and without disqualification for future employment on Shri A.V. Sreekumar, Ex-clerk-cum-Cashier of Adoor Branch of the bank with effect from 9-1-2003 is justified? If not, to what relief the concerned workman is entitled to?”

2. The facts in brief are as follows:

The claimant Shri A. V. Sreekumar was a Clerk-cum-Cashier of State Bank of Travancore. He had joined the service in 1994 and was working in Adoor Branch of SBT. According to him while working so, he was given a memo, on 25-9-2000 raising certain allegations of misconduct. He was placed under suspension w.e.f. 12-9-2000. Thereafter a memo of charges was given to him on 4-12-2000. A domestic enquiry was conducted and he was found guilty of all the charges levelled against him and the disciplinary authority imposed punishment of discharge from service, but with superannuation benefits and without disqualification for future employment, on 9-1-2003. An appeal was filed and was dismissed. The claimant contends that the enquiry officer had not given him proper opportunity to defend. No evidence worth mentioning was adduced before the enquiry officer to establish the charges. There is no violation of principles of natural justice. The disciplinary authority had no considered the mitigating circumstances of the claimant. Hence he seeks reinstatement in service with back wages and continuity of service.

3. According to the management bank the claimant had committed serious misconduct. His explanation against the allegations were not convincing and hence an enquiry was conducted. Accepting the report of enquiry officer punishment was imposed. Though the misconduct warranted dismissal of the employee a lenient view was taken and imposed a punishment of discharge only. The superannuation benefits were given and no disqualification for future employment was mulcted. The claimant is not entitled for reinstatement or any other relief.

4. In the light of the above contentions the following points arise for consideration:

(1) Is the domestic enquiry valid?

(2) Is the termination of the services of the claimant legal?

The evidence consists of documentary evidence of Ext.M1 on the side of management.

5. Point No. (1) :

Though there is a contention in the claim statement that the claimant was not given proper opportunity to adduce evidence and defend his case and that there is violation of principles of natural justice, at the time of argument the learned counsel for the claimant fairly conceded that he was not pursuing this contention. It follows therefore that the domestic enquiry is valid.

6. Point No. (2) :

The allegation against the claimant is that on 5-9-2000 while he was working as Receipt Cashier in Adoor Branch he had committed some misconduct. Four charges were levelled against him as per chargesheet which is contained in Ext.M1 enquiry file (page. 82). The 1st charge is that on 5-9-2000 about 3.30 p.m. after closing the account and leaving cash on Head Cashier's table but without entrusting him he had left the office. The 2nd charge is that while leaving the office at 3.30 p.m., he had not settled the account by locating the difference in cash (excess by Rs. 20,000) and it had to be done by other staff. The 3rd charge is that the claimant had left the office without obtaining permission of the competent authority. The 4th charge is that the Head Cashier after keeping on his table Rs. 6.50 lakhs on 5-9-2000 around 2.30 p.m., had left lunch. Around 3.00 p.m. a shortage of Rs. 50,000 was noticed. Thereafter at 3.30 p.m. the claimant had left the office and come back only at 5.30 p.m. and that too when he was summoned. Around 7.00 p.m. when everyone was searching for the missing money the claimant had reported to the Head Cashier that he had found something like currency bundle on a built up area near the toilet and when he tried to take it, it had fallen into a cavity near the toilet. The money was removed by the claimant with a view to appropriate it and to defraud the bank.

7. The enquiry officer relying on the oral testimony of witnesses examined on the side of management, PWs 1 to 9 come to the conclusion that the claimant was guilty of all the charges levelled against him. Regarding the 4th charge of removal of currency of Rs. 50,000 there cannot be any direct evidence because the intention in such a case being to appropriate the money it must have been removed the table stealthily. Since such acts are done in secret nobody may witness it or notice it. Hence the misdeed can be detected only on the basis of circumstantial evidence. That was what followed by the enquiry officer. It is to be noted that none of the officers or staff of the branch had suspected any officer or staff including peons in the incident. The claimant has no case that any of the management witnesses except PW8 (Peon) had any ill-will towards him. The animosity that the claimant is referring, is that sometimes there was some petty quarrel and exchange of words between him and PW8 about which the latter had spoken when he was examined by the Enquiry Officer. The relationship between them was not that strained as to

incriminate a person in serious offence like this. That apart PW8 is only a peon and his testimony does not affect the case one way or other, as he is not a material witness.

8. In the cash department there were 4 cashiers and 2 peons. All the cashiers were sitting within the cash cabin. The claimant was Receipt Cashier and one Shri John Samuel was payment Cashier. They were sitting in their respective counters within the cabin. Behind them in the Cash Cabin a Head Cash Cashier and an Assistant Head Cashier Shri C.T. Koshy and Smt. Molly Sam were seated sharing a common table. Besides them the Cash Peon, Narayanan and PW8 Sasi, head peon were also there in the cash cabin. No outsiders were allowed to enter the cash cabin. Normally no other staff or official enter the cash cabin. The evidence recorded by the enquiry officer does not show that on 5-9-2000 anybody other than cashiers and the 2 peons aforementioned, had entered the cash cabin. It has come out in evidence that renovation work was going on in the bank during the period of the incident. The cash cabin was not in proper order and there was lack of proper safety arrangements within the cabin. The cash cabin was no doubt separated from other portions but its door was not yet fitted with shutters but had only a door frame. The drawers within the cabin had no locking system. The Head Cashier had complained about the safety measures to the concerned authority. But the evidence does not show that any outsider had entered the cash cabin on that day including the workers engaged in renovation work. During the whole working hours one or other of the cashiers were present in the cash cabin. The Assistant Head Cashier had lunch first on that day. It is thereafter that the Head Cashier had gone for lunch. Then the other two cashiers were in the cabin. It is after 3.00 p.m. that the claimant had gone out for lunch. Therefore the cashiers in the Cash Department could know whether anybody other than the staff in the Cash Department had entered the cash cabin. Moreover the cash was placed on the table of Head Cashier. That was a common table shared both by Head Cashier and Assistant Head Cashier. Therefore the possibility of an intruder from outside is to be ruled out.

9. PW1 is the Branch Manager of Adoor Branch. According to him he came to know of the shortage of Rs. 50,000 only by 5.30 p.m. According to him the toilet (the place of recovery) is above floor level by one foot. The built up area where the currency bundle was first found was having a height of 6½ to 7 feet. A person who is going to the toilet will have to keep an eye on the toilet step or else he may slip and fall while entering the toilet. Therefore one may not look upward while entering the toilet. The currency was found shortly after there was a discussion and suggestion by staff that the matter should be reported to police. He also says that customers had complained about discourteous behaviour of the worker in the past (pages 140, 142, 144, 145, 153, & 155 of PW1 in Ext.M1 enquiry file).

10. PW2 is the Head Cashier, Shri C.T. Koshy. According to him, he had kept Rs. 6.50 lakhs on his table and Shri John Samuel (Payment Cashier) was told that the amount was kept for the purpose of making payment to K.S.R.T.C. This was between 1.45 p.m. and 2.00 p.m. Though John Samuel acknowledged the information since he was busy he did not physically verify the amount then and there. At 2.15 p.m. he went home for lunch. By 2.45 p.m. he came back. Meanwhile Shri John Samuel had found shortage in the amount. Around 3.15 p.m. the claimant handed over his cash received in his counter telling to PW2 that there was an excess of Rs. 20,000 and he was not able to locate the difference. Thereafter he went for lunch. About 4.00 p.m. PW2 had to summon the claimant to the bank through peon. After 10 minutes the claimant was brought by the peon. After 6.00 p.m. when everybody was searching for and talking about the missing currency he was informed by the claimant that something like currency notes were found on the top of the built up area by the side of toilet and when he had tried to reach for it, it fell into a cavity nearby. On going to the spot it was not possible to see what was lying at the bottom of the cavity. Hence a stool was brought. There was no current and with the help of match light an attempt was made to make out the thing that was lying at the bottom of the cavity. Nothing could be made out. Hence a torch was brought and with the help of torch it was confirmed that the matter was currency notes. The wall had to be broken in order to retrieve the currency notes. He also says that the behaviour of the claimant to his colleagues was sometimes not cordial. He also admits that security measures of Cash Department were jeopardized during the period of the incident (page 160, 161, 163, 165, 174, 176 & 179 of PW2).

11. PW3 is Assistant Head Cashier, Smt. Molly Sam. She says that she is sharing a common table with Head Cashier in the Cash Cabin. On 5-9-2000 she had lunch between 1.15 p.m. and 1.30 p.m. She does not remember when did the claimant go for lunch. According to her, money (Rs. 6.50 lakhs) was not entrusted to her by Head Cashier, but it was entrusted to Shri John Samuel. When she was asked about the responsibility of the claimant in duty she responded that she had no comments (pages 182, 184, 186, 191 & 192 of PW3).

12. PW4 is Shri John Samuel, Payment Cashier. According to him he went for lunch on 5-9-2000 at 1.45 p.m. after Smt. Molly Sam came back after lunch. About 2.15 p.m. Head Cashier went for lunch after keeping Rs. 6.50 lakhs on the table of Head Cashier telling him to make payment to K.S.R.T.C. out of that amount. At that time Smt. Molly Sam, Sreekumar (claimant) and Peon Narayan were present. Between 2.45 p.m. and 3.00 p.m. K.S.R.T.C. people came for taking payment. When PW4 took the money and verified he found a shortage of Rs. 50,000. Immediately he informed the Head Cashier. By 3.10 p.m. the Head Cashier came to the office. The claimant was then present. All

cashiers started discussing about the missing currency. Around 7 p.m. there was electricity failure. Then the Head Cashier called PW4 and told that something like currency bundle was found by Mr. Sreekumar on the top of the wall of the toilet. When PW4 went to the spot where the currency was found the Head Cashier and Sreekumar were standing outside the toilet. There was no current then. The missing currency was detected 10 minutes after the staff suggested to complain to police. According to PW4 the toilet by the side of the place of incident was not in use. According to him if there is no light, even jutting object over the wall cannot be seen (pages 119, 123, 131 & 134 of PW4).

13. PW5 is security guard Shri Philipose Baby. He was on duty near the door of cash cabin on 5-9-2000. According to him during working hours nobody other than cashiers and cash peons and head peon are allowed to enter the cash cabin. He says that there is only one door to the cash cabin and there is no other entry. He went for lunch at 1.30 p.m. and returned by 1.45 p.m. and there was no other security guard in the bank on that day (pages 193, 194 & 195 of PW5).

14. PW6 is Deputy Manager (Accounts) Shri T. Rajamma. She says that Mr. Sreekumar went for lunch at about 3.00 p.m. and returned by 3.30 p.m. Again he went out at 4/4.15 p.m. and came back by 5/5.30 p.m. (It is to be noted that this is nobody's case. Sreekumar went out only once in the afternoon and not twice). No permission was given by PW6 to Sreekumar for going out. She does not know whether anybody else had given permission. She says that all staff in the Cash Department checked Almirahs for missing currency. After 6.45 p.m. the missing money was found near the toilet in a cavity. That toilet had no lock and hence it was not used by anybody. The public has no access to the toilet. It is situated west of Cash Department. According to her the claimant used to stay in the cash cabin till his cash was tallied (pages 96, 100, 101 & 114 of PW6).

15. PW7 is Shri Abraham Koshy, Branch Manager. According to him he came to know about shortage of cash around 5.30 p.m. He suggested to report the matter to the police. The toilet near the place of incident was not in use. The built up area where the currency was reported to be first seen is at a height of more than 6 feet from the floor. A person standing outside the toilet cannot notice the bundle over the wall (pages 198 & 199 of PW7).

16. PW8 is Shri Sasi, head peon. According to him the Head Cashier had asked him to call Sreekumar who had gone out. Accordingly, he looked for Mr. Sreekumar in Hotel Yamuna and Inderaprashta and brought him back to the bank. There was suggestion from the staff to report the incident to police. According to the witness both toilets in the bank were being used by the staff. According to him Mr. Sreekumar's name was being talked by the staff in connection with the incident. The witness had some ill

feeling against Mr. Sreekumar due to latter's conduct in the past. According to him there was heated exchange of words sometimes between Sreekumar and himself (pages 206, 211 & 212 of PW8).

17. PW9 is Shri John C.O., Dy Manager. He was not in charge of cash department and his testimony has not assumed any importance.

18. The vital witnesses are PW2 Head Cashier, PW3 Assistant Head Cashier and PW4 Payment Cashier Shri John Samuel. It is admitted by the claimant in his explanation to charge memo (page 84 of Ext. M1) that after entrusting cash received by him to the Head Cashier he had gone out for lunch. In the claim statement paragraph 3, the claimant states that he had gone for lunch around 3.30 p.m. The management witnesses say that it is after 3.00 p.m. that the claimant had gone out for lunch. It has come out through the testimony of management witnesses PW2 & PW4 that it was after the Head Cashier came back after lunch that Shri Sreekumar had entrusted his cash to the Head Cashier and went out. The Head Cashier came back from home after lunch when he was informed by Shri John Samuel (Payment Cashier) that there was shortage of Rs. 50,000 out of money kept on the table. The Head Cashier says that around 2.45 p.m. he had come back. It was thereafter only the claimant entrusted his money and informed that there was an excess of Rs. 20,000 and the difference he was not able to locate. According to the head cashier around 3.15 p.m. the claimant must have gone out because it was at 3.15 p.m. that money was entrusted by the claimant to him. Therefore before the claimant went out for lunch everybody in the cash cabin came to know that there was a shortage of Rs. 50,000 out of Rs. 6.50 lakhs kept on the table of Head Cashier for the purpose of making payment to K.S.R.T.C.

19. Thus when the claimant went out two problems were pending for rectification, i.e. (1) to locate the difference in cash (excess of Rs. 20,000) received by the claimant (2) to find out the missing currency of Rs. 50,000. Though excess or shortage in cash due to mistake in accounting happens occasionally and rectified soon, missing or loss of liquid cash is a serious thing and a rare incident in a bank. All the cashiers were responsible to find out what really had happened. Since it was missing of currency all persons in the cash cabin were expected to be careful and not to leave the cash cabin until either the shortage or missing was found out or a final decision was taken as to what was to be done in the incident. The evidence given by management witnesses is to the effect that the claimant had very casually left the bank for lunch around 3.15 p.m. When all the cashiers in the cash cabin were busy searching for and checking everywhere in the cash cabin for the money it was not normal for another cashier to leave the office for lunch. It has come out in evidence that he had gone out not with permission of anyone including Branch Manager, Deputy manager (Accounts) or Head Cashier.

Something serious had happened in the office and it was the responsibility of the concerned department to settle the problem. As per the explanation to the memo of charges the claimant had gone for lunch at 3.15 p.m. and came back by 4.00 p.m. and as per the claim statement the period of absence from office was from 3.30 p.m. and 4.00 p.m. The Head Cashier says that he had sent a peon to get Mr. Sreekumar to the bank around 4.00 p.m. After 10 minutes Mr. Sreekumar was brought by the peon. Thus even going by the statement of the claimant he had gone out around 3.15 p.m. and came back only by 4.00 p.m. The evidence is that he had not returned by himself, but was summoned by the Head Cashier. The behaviour of the claimant at that moment was unusual and was not expected of a responsible cashier in the circumstances. He should have been on pins and needles until the missing money was traced out and the difference in his cash account (excess of Rs. 20,000) was located and cash tallied. It has come out in evidence and admittedly too that the excess amount of Rs. 20,000 was located by another staff and that it had happened due to placing of a voucher face down in the file. This indicates the light manner in which the claimant had treated the situation. Assuming that he had waited till 3.15 p.m. without lunch and did not wait any more, considering the serious situation in the office he should have informed at least the Head Cashier that he was leaving for lunch and should have returned taking bare minimum time for lunch. He did not do so and had to be called through a peon from a hotel.

20. The conduct of the claimant that followed till the final stage adds more suspicion. Everyone was checking and verifying in almirahs and chests in the cash cabin for the money. Sometimes around 7.00 p.m. the Head Cashier was informed by the claimant that he had found something like currency bundle on the top of a built up area near the toilet. When he tried to take it, it slipped and fell into a nearby cavity. By the time the Head Cashier and others rushed to the scene there was no light due to current failure and a torch was brought and with help of torch it was found that the bundle that was lying at the bottom of the cavity was currency notes. The wall had to be broken to take it out. These facts are not disputed. The question is how did the claimant come across the bundle on the top of the built up area near the toilet? The toilet was outside the cash cabin. According to some witnesses the toilet was not in use. It had no lock. But others say it was in use. At any rate, it was not used by the public. One cannot imagine that the cash could be hidden somewhere outside the cash cabin and that too in a place like the toilet. The built up area was more than 6 feet high and it was not easy to get a view of something on the top of it unless one carefully looked for it. It is not easy for a person going to the toilet to see something on the top of the built up area due to its height and also because the toilet is at a height of one foot from the floor and one has to look down while entering the toilet lest he would stumble and fall. That is the evidence given

by PW1, PW2, PW4 and PW7. All the witnesses say that some of the staff were discussing and suggesting to report the matter to the police. Immediately thereafter the currency was traced out. The whole situation has to be taken into account in order to know who could be the culprit. When everyone was searching in the cash cabin where alone the cashiers could expect the missing money, the claimant found it on the top of a wall near the toilet. The whole conduct of the claimant from the time of missing of money till it was traced out, is suspicious. Though cash peon was also there nobody pointed out a finger of doubt on him. Assuming that an outsider had taken it there was no possibility to hide it within the bank. The money was found out not by any other staff of other departments or one of the other cashiers in the cash department, but by the claimant. All these circumstances made the enquiry officer to draw a conclusion that it was none other than the claimant who had done the mischief. If the money was misplaced it should have been within the cash cabin. That means it was removed stealthily with an intention to appropriate it. The circumstances mentioned above as well as the evidence of the witnesses adduced before the enquiry officer can only point to the claimant as the guilty. Therefore the finding of Enquiry Officer with regard to the 4th charge cannot be said to be perverse.

21. The first charge is that the claimant had gone out for lunch without entrusting the cash received by him in the cash counter either to the Head Cashier or Assistant Head Cashier. Though the enquiry officer has found the claimant guilty of that charge it is admitted by the Head Cashier that at 3.15 p.m. the claimant had entrusted the money but there was an excess of Rs. 20,000 and the claimant had not located the difference. Therefore the entrusting of cash is no more in doubt and therefore the claimant cannot be said to be guilty of 1st charge.

22. The 2nd charge is that the claimant had not located the difference in cash and tallied the cash before he had gone out for lunch. It is an irresponsible conduct. It is not disputed that when he had entrusted money to the Head Cashier around 3.15 p.m. on 5-9-2000 there was an excess of Rs. 20,000 and he was not able to find out how it had happened and where he had gone wrong in accounting. This was traced out and mistake was detected by another staff though the responsibility was on the claimant. Hence he cannot escape from the guilt and he is rightly charge-sheeted on that count. There is no reason to interfere with the finding of Enquiry Officer on 2nd charge.

23. The 3rd charge is that he had gone out of lunch without permission of any officer. It is stated by Branch Manager, Deputy Manager (Accounts) and Head Cashier that the claimant had gone out for lunch without anybody's permission. Though in a normal situation a superior officer may not take such conduct seriously, but in a situation like the present, he should have sought permission before

leaving the office. As per rules one is not supposed to leave the bank without permission. That was not followed by the claimant. Besides he took long time to return to bank. It is more correct to say that until he was summoned he had not returned. Therefore he is guilty of 3rd charge also.

24. In the light of the aforesaid circumstances and evidence, I find no reason to differ from the findings of enquiry officer except with regard to 1st charge. For a gross misconduct like the one mentioned in the 4th charge the bank cannot take a more lenient view than discharge with superannuation benefits and without disqualification for future employment. The punishment cannot be said to be disproportionate to the guilt and there is no reason to interfere with the punishment.

25. In the result, an award is passed finding that the action of the management in finding that the claimant is guilty of the charges and imposing a punishment of discharge are legal and justified and claimant is not entitled to any relief. No costs. The award will take effect one month after its publication in the Official Gazette.

Dictated to the personal Assistant, transcribed and typed by her, corrected and passed by me on this the 8th day of September, 2006.

P. L. NORBERT, Presiding Officer

APPENDIX

Witness for the Workman : Nil

Witness for the Management : Nil

Exhibits for the Workman : Nil

Exhibits for the Management :

M1 : Domestic Enquiry file.

नई दिल्ली, 5 अक्टूबर, 2006

का. आ. 4220.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ए एन जैड ग्रिन्डलेज बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट (संदर्भ संख्या 81/92) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-10-2006 को प्राप्त हुआ था।

[सं. एल-12012/94/1992-आई आर (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 5th October, 2006

S.O. 4220.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. 81 of 1992) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur Now as shown in the Annexure in the Industrial Dispute between the employers in relation to

the management of ANZ Gryndlays Bank and their workman, which was received by the Central Government on 4-10-2006.

[No. L-12012/94/1992-IR (B-I)]
AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE SRI SURESH CHANDRA, PRESIDING
OFFICER CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, SARVODAYA
NAGAR, KANPUR, U.P.**

Industrial Dispute No. 81 of 1992

BETWEEN

State Vice President,
U.P. Bank Employees Union,
23/74 Patkapur,
Kanpur

AND

ANZ Gryndlays Bank Plc Gryndlays.
Now Standard Chartered Bank.
16 Mahatma Gandhi Road, Kanpur.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its order dated L-12012/94/92-IR (B-I) dated 30-6-92 has referred the following dispute for adjudication to this tribunal :

"Whether the action of the management of ANZ Gryndlays Bank Plc., Kanpur in dismissing Sri R. C. Srivastava from service w.e.f. 22-8-91 is justified? If not to what relief the workman is entitled to?"

2. Undisputed facts of the case are that on an earlier occasion this tribunal vide its award dated 28-8-97 had held the dismissal of the workman as bad in law and ordered reinstatement of the workman in the service of the bank. The opposite party bank challenged the said award before the Hon'ble High Court, Allahabad, by filing civil writ petition no. 36051 of 97 which was finally disposed of by the Hon'ble Court vide its orders dated 15-7-03 whereby the case has been remanded back to this tribunal for decision afresh. Concerned workman by means of application dated 15-10-04 enclosed a certified copy of the orders of the Hon'ble High Court and prayed to decide the case afresh in the light of observations made by the Hon'ble High Court in its order dated 15-7-03. Thereupon notices to the contesting parties were issued from this tribunal and the case was fixed for arguments in the case.

3. In short the case of the workman is that the workman was the General Secretary of Gryndlays Bank Staff Assoc. The opposite party bank for some time past has been indulging in anti-union activities with calculated intention to eliminate the trade union activities in the bank.

In order to achieve this object the opp. party bank has instituted various court cases against the serveral employees of the bank including the concerned workman. It is further alleged by the workman that opposite party bank being not finding any effective method in their aim has placed the workman under suspension w.e.f. 16-1-88 on false pretext and thereafter workman was issued major penalty chargesheet dated 27-1-88. After completion of domestic inquiry the workman was removed from the services of the bank w.e.f. 22-8-91 by way of punishment. Appeal preferred against the final order also failed. It is unnecessary to detail further case of the workman as the Hon'ble High Court in its judgement has already held that the appointment of enquiry officer was proper and that the domestic inquiry held against the concerned workman was fair and proper. However it may be pointed out that it is the further case of the workman that being General Secretary of the Association he was a protected workman under the I.D. Act and he could not have been removed from the service of the opp. party. The opposite party passed the removal orders against the workman by way of unfair labour practice to victimize the workman in this way the removal order is bad in law and is liable to be set aside. It is also alleged that Sri Bachchoo Lal and Than Singh who were named in the charge sheet and who were alleged to have used abusive and filthy languages against the officers of the bank have not been taken up into disciplinary action by the opposite party bank. It has also been alleged that no such incident as alleged in the chargesheet ever took place in the bank premises. Workman has also pleaded that the action of the opposite party bank in removing his services is highly discriminator and therefore is liable to be set aside and the workman be directed to be reinstated in the services of the bank with full back wages, continuity of service and all consequential benefits attached to the post be also awarded to the workman.

4. The claim of the workman has been refuted by the opposite party bank on variety of grounds. It has been alleged by the oppoite party bank that on 12-1-88, and employee of opposite party bank by name Sri Bachchoo Lal Mishra informed Mr. P.K. Seth an officer of the bank that he would have to attend the court in connection with the case the following date i.e. 13-1-88 and also requested that he should not be marked late on 13-1-88. The said request was not exceeded to by the opposite party bank and Sri Mishra was duly informed by Mr. Seth that he should first come to the bank and sign the attendance register and thereafter would go to the court. On the same day the charged employee alongwith Sri Mishra at about 5.30 p.m. approached Mr. Seth and reiterated their earlier stand that Mr. Mishra should not be marked late on 13-1-88 in the attendance register upon which Mr. Seth expressed his inability to exceed to their request upon which Mr. R.C. Srivastava asked the officer to check with the Asstt. Manager Operation. On checking with Mr. B.M. Sikka the

Assistant Manager, Operation Mr. P. K. Seth duly informed Mr. R. C. Srivastava that an endorsement stating court case would be made in the attendance register.

5. It is further alleged that at about 9 p.m. the same day the charged employee alongwith the said Sri Bachchoo Lal Mishra and another employee named Mr. Than Singh as well as an outsider entered the banking hall of the said branch in a drunken state and expressed annoyance at the actions of the officers of the bank.

It is alleged that another officer Mr. Arun Sharma who happened to be there at the material time, tried to specify the charged employee pointing out that such requirements were part of the norms of office discipline and had to be complied with. Moreover, the officers were merely carrying out instructions of senior officers. Thereafter the said Mishra and the said Than Singh abused the officers of the bank. As soon as the said Mr. Sharma left the office premises to deposit the keys at the residence of the Assistant Manager, operation, which was situated in the bank compound the charged employee alongwith an outsider pulled Mr. P.K. Seth by his tie and manhandled and slapped him as a result of which the spectacles were broken and he also suffered a bruise on his left eye. On these grounds the charged employee was served with a chargesheet which culminated into removal from service of the employee concerned. The action of the opposite party bank was fully justified considering the serious misconduct committed by the charged employee and the opposite party bank has committed no illegality in conduct of domestic inquiry against the employee concerned. On the basis of above pleadings it has been prayed by opp. party bank that the claim of the delinquent employee be rejected being devoid of merit.

6. Workman has filed rejoinder in which nothing new has been pleaded except reiteration of the facts already pleaded in the statement of claim.

7. Having regard to the observation of the Hon'ble High Court in its order dated 15-7-03 arguments of the contesting parties were heard at length on the materials and evidences available on the record of the domestic inquiry. Relevant material and record of the case have also been viewed by the tribunal carefully.

8. It has been argued by the authorised representative for the concerned workman that the management has not been able to establish the charges against the charged employee before the enquiry officer, therefore, the workman is entitled to be reinstated in the services of the bank with full back wages and all consequential benefits. As against it has been urged by the authorised representative for the opp. party bank that since the Hon'ble High Court has found that the domestic inquiry held against the employee was fair and proper therefore it would not be expedient for this tribunal to go into the merit of the case. It is further contention of the

authorised representative for the workman that this tribunal is fully empowered to examine the evidence and material available before the domestic inquiry to find out as to whether or not the charges are proved and that the tribunal is further empowered to record a different finding as compared to findings recorded by the inquiry officer.

Agreeing with the contention of the authorised representative for the workman and tribunal is of the opinion that under Section 11-A of the Industrial Disputes Act, 1947, the tribunal has been vested with ample powers to arrive at a different conclusion other than arrived at by the disciplinary authority and tribunal can also modify the punishment order having regard to the gravity of proved misconduct. I do not find any force in the contention of the authorised representative for the opposite party in view of the observations made by the Hon'ble High Court in its judgement and order dated 15-7-03. The Hon'ble Court has categorically observed that the tribunal has not referred or taken into consideration the evidence which was before the enquiry officer in the domestic inquiry which alone could be the subject matter of consideration. It has also been observed by the Hon'ble Court that the other question on merits regarding reinstatement with full back wages, and the charges have been proved or not are not being gone into by this court. After making the aforesaid observations the Hon'ble High Court was pleased to remand back the instant case to this tribunal with direction to decide it a fresh ignoring the evidence led by the parties afresh after the inquiry was declared vitiated by the tribunal. It has also been observed by the Hon'ble High Court that the tribunal shall confine its findings only to the evidence of the parties available before the domestic inquiry.

9. Now on the basis of appraisal of evidence led by the parties before the domestic inquiry, it is to be considered how far the management has been able to bring home the guilt/misconduct against the delinquent employee.

10. A bare perusal of chargesheet dated 27-1-88 would indicate the fact that certain cases were fixed for hearing on 13-1-88 before the criminal court at Kanpur and in that connection Sri Bachchoo Lal Mishra on 12-1-88 at about 12.30 p.m. requested Sri P.K. Seth (M.W. 1) that tomorrow there is a court case so do not mark him late as he will go to the court directly from his house. On which Bachchoo Lal Mishra was told by Mr. Seth that first he should come to the bank and sign the attendance register and then go to court. It further indicates that in the evening the delinquent employee alongwith Bachchoo Lal Mishra again approached Mr. P.K. Seth and told him not mark late in the attendance register and that Mr. Bachchoo Lal Mishra will go to court directly. Mr. Seth again reiterated the stand that first Mr. Mishra should come to the bank sign the attendance register and then go to the court. Thereafter the matter was referred to Mr. B.N. Sikka (M.W. 2) Assistant Manager, Operations who in turn informed Mr. Seth to writ

court case in the attendance register, which fact was advised to the delinquent employee and Mr. Bachchoo Lal Mishra.

11. Chargesheet dated 27-1-88 further goes to indicate the fact that on 12-1-88 Mr. P.K. Seth alongwith Mr. Arun Sharma were in the office at about 9.00 p.m. and were going to close the branch when the delinquent employee alongwith Mr. B.L. Mishra, Than Singh and an outsider entered the bank hall in a drunken state and started heatedly discussing the issue regarding marking late in the attendance register. Mr. Arun Sharma tried to pacify (delinquent employee) and the others pointing out that such requirements are normal norms of the office as per office rules. During the course of discussions Mr. Mishra and Mr. Than Singh started abusing to the management staff and the delinquent employee was looking on. It further indicates that with the pursuation of Mr. Arun Sharma and Mr. Seth, officers of the bank the delinquent employee and others went out of the bank hall and stood in the bank's compound as Mr. Sharma locked up the premises. Again both Mr. Mishra and Than Singh started abusing the management and officers of the bank. In the mean time when Mr. Sharma went to the residence of Mr. Sikka to deposit the keys the delinquent employee alongwith the outsider pulled Mr. Seth's tie from his neck and manhandled and slapped him resulting in his spectacles being broken and he also got a bruise on his left eye.

12. On the basis of above allegations against the delinquent employee management appointed inquiry officer to ascertain the fact as to whether the allegations levelled against the employee concerned are correct or not.

13. During the course of domestic inquiry, management examined Sri P.K. Seth (M.W.1), Sri B.M. Sikka, Manager (operations) as M.W. 2 and Mr. Arun Sharma as M.W.3 and has also relied upon certain documents marked as M.1, M.2, M.3 which is written statement of Mr. P.K. Seth dated 13-1-88 regarding the incident of previous day i.e. 12-1-88, M.3 attendance register for the management staff, M.4 corrigendum issued by the management vide letter dated 5-10-88, M.5 note dated 13-1-88 prepared by Mr. B.M. Sikka for the attention of the Manager, M.6 document dated 13-1-88 bearing signatures of M.W.1 and Mr. R.C. Srivastava, namely memorandum of understanding M.7 letter dated 13-1-88 from Mr. Arun Sharma to the Manager Grindlays Bank, plc, Kanpur and Book Safe Register for the period 10-8-87 to 25-1-88.

14. Defence side during the course of domestic inquiry examined Shri Shyam Bahadur, Chowkidar of the Bank as D.W.1 and Sri Panna Lal an ex-employee residing at Bank's compound. No documentary evidence has been led by the defence representative during the domestic inquiry.

15. Domestic inquiry was conducted by Sri N.V. Srinivasan as enquiry officer, Mr. B.R. Sobti, represented

the case of the management alongwith Mr. S. C. Duggal and Mr. S.C. Bhargava were as delinquent employee was represented by Mr. J.D. Mishra before the enquiry officer.

16. Fairness and propriety of domestic inquiry is not being looked into as it has already been held by the Hon'ble High Court that the domestic inquiry conducted against the delinquent employee was fair, proper and valid.

17. From the enquiry proceedings as well as from the chargesheet it is quite obvious that certain court cases/litigations were going on between the Union and the management opposite party bank and the delinquent employee alongwith other employee of the bank were the accused persons in the cases filed by the management bank. It is also clear from the record of the inquiry that the delinquent employee was the General Secretary of the Grindlays Bank Staff Association. It is also not in dispute that the provisions of Industrial Disputes Act, 1947, are applicable between the contesting parties.

18. During the course of domestic inquiry it was submitted by the defence representative that the construction of the chargesheet based on the allegation is incorrect, inasmuch as the allegation, even if proved would amount to a minor misconduct within the meaning of para 19.7(e) of the Bipartite Settlement; that the charge levelled is not definite inasmuch as the alleged particular act has been mentioned in the chargesheet into two misconduct i.e. para 19.5(c) and 19.5(d); that while framing the charge under para 19.5(c) particular charge whether drunkenness or ritous or disorderly or indecent behaviour has not been mentioned and the clause as stated in the Bipartite Settlement is reproduced. The chargesheet therefore is not proper and liable to be quashed on this short ground; that the suspension is unwarranted in the present case where proper opportunity of rebuttal and or explanation was not granted. Even the version of the chargesheeted employee was neither obtained nor considered and no opportunity whatsoever was given to him before the issue of the chargesheet and or suspension order; that the chargesheeted employee, being the General Secretary of the only one and the recognized union existing in the branch, discussion should have taken place between the management and the union, prior to the issuance of chargesheet and suspension order; and that the incident as alleged and specifically denied by Mr. R.C. Srivastava at 9.00 p.m. is much after the office hours and cannot be made basis of suspension and chargesheet and that too a gross misconduct.

19. This tribunal is oblivious of the fact that when a case of removal from the service is under judicial scrutiny before a court of law, defence side generally raises technical objections/arguments challenging the chargesheet but these objections do not carry much weight before any court of law. The relevant and material thing to be seen by such

a court is as to whether or not the delinquent employee has been provided with adequate opportunity of being heard by the disciplinary authority/inquiry officer and whether or not rules of natural justice have been followed by the above authorities. From this point of view technical objections raised by the defence side before the domestic inquiry are being ignored by the tribunal, therefore, the tribunal is restricting its finding to examine as to whether the delinquent employee has been provided with sufficient opportunity of being heard by the above authorities and as to whether or not the management has been able to establish the charges before the enquiry officer.

20. The first and foremost contention raised by the representative for the delinquent employee before the inquiry officer as well as before this tribunal is that the delinquent employee has not been given any opportunity of being heard before passing of the suspension order and before issuance of chargesheet, by the disciplinary authority. Even no opportunity was given to the employee to reply effectively the charges and the management straight way initiated disciplinary inquiry against the workman on the basis of report submitted by the M. W I P.K. Seth on 13-1-88. It has further been contended by the repr. for the workman that the denial of opportunity by the disciplinary authority has cut the very root of making effective defence before the inquiry officer for the employee. In reply to these contentions it has been argued by the auth. repr. for the management before the inquiry officer that the gravity of the charges alleged against the employee warranted immediate suspension and chargesheeting of the employee. He further submitted that there is no principle which compels management to seek explanation before the chargesheeting and/or suspending an employee. In support of this argument, the representative for the management referred the law cited by the Hon'ble Supreme Court of India in the case of Firestone Tyre & Rubber Co. Ltd. versus Workmen, 1967 11 LLJ page 715 and submitted that if after a preliminary enquiry there is a prima facie reason think that the workman was at fault, a chargesheet setting out the details of allegation and the likely evidence may be issued without offending against any principle of justice and fair play. The enquiry officer while dealing with the above arguments at page 11 of the enquiry report has observed that suspension being an administrative act, he has no business to sit over judgement over such an act, because as an enquiry officer, his duty is to enquire and see that the parties have adequate opportunity to put forward their case and that he had assured them that he shall spare no efforts to do so. The tribunal is unable to agree with the opinion of the inquiry officer on this point. It is settled principle of law that enquiry officer while conducting domestic inquiry is supposed to view the case with open eyes and open mind and he is not supposed to be prejudiced against either party. The Hon'ble Supreme Court in the law cited by the management representative

as quoted above has clearly held that if after preliminary enquiry, there is prima facie reason to think that the workman was at fault, a chargesheet setting the details of allegations and the likely evidence may be issued without offending against any principle of justice and fair play. The Hon'ble Supreme Court has emphasised that a workman may be issued chargesheet if prima facie it is found on the basis of preliminary inquiry that the workman is at fault but it should be ensured that the chargesheet may be issued to such workman without offending against any principle of justice and fair play. The law cited by the representative for the management is of no help to them as the above law nowhere provides that a workman can be placed under suspension or can be issued chargesheet without providing any opportunity of hearing to such a workman against whom disciplinary action is under contemplation. The tribunal has carefully scrutinise the materials available before the enquiry officer and find that there is no such document on record which may indicate that either before placing the workman under suspension or before issuance of chargesheet to the delinquent employee any explanation was called from him or that the management held any preliminary inquiry regarding incident of 12-1-88 which is the basis of issuance of chargesheet against the delinquent employee. In this way the law (supra) cited by the representative for the management instead of supporting the case of the management, support the case of the workman with full swing. Under these circumstances and relying upon the law laid down above it is held that the delinquent employee was not afforded adequate opportunity of being heard by the management before he was placed under suspension and before initiation of disciplinary action after issuance of charge sheet. It is also settled principle of law that no one should be condemned unheard. From this point of view I do not find much weight in the arguments advanced by the representative for the management that the charges levelled against the delinquent employee warranted immediate suspension and chargesheeting him and that there is no principle which compels the management to seek explanation from the delinquent employee before suspending or chargesheeting him. This argument of the representative for the management cannot be accepted at all because it is well settled law that at least an opportunity of being heard is must for an employee in a disciplinary case where extreme penalty like Economic Death is likely to be imposed upon a workman if the misconduct stands proved against him. Moreover heaven would not have fallen over the head of the management in case they would have provided an opportunity to the delinquent employee to place his stand before the management/disciplinary authority. Under disciplinary rules it is well recognize rule that the disciplinary authority is highly obliged to first seek explanation of the delinquent employee on the allegations of misconduct and then to consider the same with open mind and on consideration of the explanation tendered by the delinquent

employee if the disciplinary authority is of the opinion that there is a need to initiate domestic inquiry against such employee in that event either he himself can proceed with the inquiry or can appoint some inquiry officer to find out whether or not charges levelled against the delinquent employee stands proved. This basic principle in the instant case have badly been flouted by the management opposite party when it chosen to proceed against the delinquent employee straightway without providing him any opportunity to explain his defence before the disciplinary authority.

21. The above view of the tribunal further finds support from the law cited by the Hon'ble Supreme Court of India in the case of State of Punjab versus V.K. Khanna, 2000, Lab I.C. decided on 30-11-2000. The Hon'ble Supreme Court in paras 21 and 34 has held as under :

It is well settled in service jurisprudence that the authority has to apply his mind upon receipt of reply to the chargesheet or show cause as the case may be, as to whether a further enquiry is called for. In the event upon deliberations and due considerations it is in the affirmative, the enquiry follows but not otherwise. Thus where even before reply was filed by the delinquent Chief Secretary to the chargesheet issued against him, the Chief Minister made an announcement appointing an enquiry officer to go into the charges, thus indicating its mindset that the inquiry shall proceed irrespective of the reply it cannot be said that the attitude of the authorities towards the delinquent was free and fair.

The facts and circumstances of the law cited above are quite analogous to the facts and circumstances of the case in hand in which the disciplinary authority without considering the explanation of the delinquent employee appointed inquiry officer thus indicating its mindset that inquiry shall proceed irrespective of the reply, therefore, it cannot be said that the attitude of the disciplinary authority towards the delinquent employee was free and fair. It is contended by management that during the course of conducting domestic inquiry, the enquiry officer had followed the rules of natural justice by providing the delinquent employee every opportunity of his defence in the inquiry, but if it is accepted it is true that the same cannot be allowed to improve the infirmities committed by the disciplinary authority in placing the delinquent employee under suspension and initiating the disciplinary action by appointing enquiry officer without considering the reply of the delinquent employee against his suspension or against chargesheet issued to him. Accordingly it is held that the management has miserably failed before the tribunal to substantiate its stand that the workman was provided adequate opportunity of being heard by the disciplinary authority in the matter.

22. Next it has been contended by the workman's authorised representative that the delinquent employee

was the General Secretary of the Association and was ventilating the grievances of the union members before the authorities of the management which annoyed the management and as a result of which the management bank by way of adopting unfair labour practice singled out the workman with sole intention to victimize him by way of imposing extreme punishment of dismissal from bank's service. It has also been contended by the authorised representative for the workman that due to annoyance, the management have filed certain criminal cases before the competent court of law wherein alongwith delinquent employee several other members of the union have been accused by the management. It has also been argued by the representative for the workman that as the workman was the active trade union member and the workman was staging demonstration before the management in support of their demands or against illegal decisions of the management, the management of the bank was adamant to eliminate the trade union activities and in furtherance of the same the workman has been sacked. On the contrary it has been argued by the representative for the management that there is no nexus of the arguments advanced by the authorised representative for the workman with the alleged misconduct and the management was having every right to proceed departmentally against the delinquent employee and if management proceeded departmentally against the employee having regard to the gravity of misconduct, the same cannot amount that the workman has been victimized due to his trade union activities.

23. It is a very serious point and has to be dealt with more cautious having regard to the different provisions of the Industrial Disputes Act, 1947. Under the provisions of Industrial Disputes Act, 1947, trade union activities in industrial organisations have been given due regard with a view to maintain bargaining powers and also with a view to maintain peace and harmony and good industrial relations between the workmen and the management. There is no doubt that management bank is an Industry within the meaning of section 2(j) and there is also no dispute about the fact that the instant case is an Industrial Dispute within the meaning of Sec. 2-A of Industrial Disputes Act, 1947. What are the Unfair Labour Practices under the provisions of the Act, have been detailed under the FIFTH SCHEDULE with reference to sec. 2(ra) of the Industrial Disputes Act, 1947, of which sub item (f) of Item No. 4 describes discharging office bearer or active members of the trade union on account of their trade union activities as Unfair Labour Practice. Further Item No. 5 defines unfair labour practice as to discharge or dismiss workmen :—

- (a) by way of victimization;
- (b) not in good faith, but in the colourable exercise of the employer's rights;
- (c) by falsely implicating a workman in a criminal case on false evidence or on concocted evidence;

- (d) for patently false reasons;
- (e) on untrue or trumped up allegations of absence without leave;
- (f) in utter disregard of the principles of natural justice in the conduct of domestic enquiry or with undue haste;
- (g) for misconduct of a minor or technical character, without having regard to the nature of the particular misconduct or the past record or service of the workman, thereby leading to disproportionate punishment.

As said earlier it has come in the evidence as well as in the chargesheet that certain court cases were pending and a date of hearing was fixed as 13-1-88, in which certain employees of the bank alongwith delinquent employee were made accused by the management bank. M.W. 1 Mr. P. K. Seth has confirmed this fact in his evidence when he stated before the inquiry that the bank has initiated some court cases against his employees. Witness has also confirmed that during the month of January, 88 there was a date of hearing in the court. Witness has also confirmed the fact that the bank allowed officials to attend the court cases without presentation of any leave. The authorised representative for the workman, before holding the domestic inquiry as vitiated by the tribunal, has filed certified photocopy of the complaint filed by the management bank in the court of Chief Metropolitan Magistrate, Kanpur, which was numbered as case No. 5807/79 reference of which also finds place in the chargesheet dated 27-1-88. The complaint case was filed under section 36-AD of the Banking Regulations Act read with Section 120-B, I.P.C. This document indicates that S/Sri Jagdish Prasad Chaudhary, Bachchoo Lal Mishra, Ram Chandra Singh, Ramesh Chandra Srivastava, Anshu Kumar Bajpai, Than Singh that all these persons were the employees of the opposite party bank, and have been made accused by the opposite party bank, and were working in different departments of the bank. Both parties to the litigation pending before Chief Metropolitan Magistrate, Kanpur, were free to attend the court case without obtaining prior permission. Under these circumstances, tribunal fails to understand as to what prompted to Mr. Bachchoo Lal to take permission from M. W. 1 on the pretext that 13-1-88 is the date of hearing in the court and he should not be marked late as he will directly go to attend the court case. It appears that Mr. Bachchoo Lal had fallen in the hands of the management in planting a concocted and false case against the delinquent employee. From the chargesheet it appears that not only against the delinquent employee management has leveled serious allegations but has also leveled serious allegations against Mr. Bachchoo Lal and Mr. Than Singh who were the employees of the bank. If according to the report of inquiry officer charges stands proved against the delinquent employee it cannot be said or presumed at all in the facts

and circumstances of the case that the charges cannot be said to have been proved against Sri Bachchoo Lal and Than Singh on the basis of evidence of the management still no action against these two employees of the bank who are alleged to be involved in a serious misconduct of abusing management staff was taken by the management bank. No satisfactory explanation was advanced by the representative for the management in this regard. Therefore, the tribunal is not inclined to believe the fact that on 12-1-88 Bachchoo Lal could have come to M. W. 1 Mr. P. K. Seth with request not to mark late on 13-1-88 in the attendance register. Tribunal having regard to facts and circumstances of the case is of the firm view that Mr. Bachchoo Lal and Than Singh who have been named in the chargesheet were instrumental to the whims of the management and have been used as a sharp edged weapon to victimize the delinquent employee on account of his trade union activities by way of planting a false and concocted case on the basis of which disciplinary action could be taken against the delinquent employee. Had Mr. Bachchoo Lal and Mr. Than Singh been not used as a sharp edged weapon and had they been not instrumental at the behest of the management bank, they could not have been absolved by the management bank and they could also been dealt by the management suitably by taking disciplinary action against these employees of the bank. The management allowed them in the service of the bank and also allowed them to retire from the service of the bank without any disciplinary action against them shows mala fide, bias attitude of management and also express the mind of the authorities concerned clouded with bias against the delinquent employee. This act on the part of the management is highly arbitrary and discriminatory and is not sustainable in the eye of law. Accordingly, it is held that the action of the management in removing the workman from the service of the bank is nothing but colourable exercise of managerial powers under the garb of Unfair Labour Practice as once mentioned earlier is held that the allegations of chargesheet to the effect that Mr. Bachchoo Lal at about 12.30 p.m. approached Mr. P. K. Seth on 12-1-88 has been found false and fabricated for the reasons that Mr. Bachchoo Lal and Mr. Than Singh were found to instrumental at the hands of the management for planting a false case against the delinquent employee, tribunal also find no truth in the allegations that the delinquent employee alongwith Bachchoo Lal had approached the M. W. 1 at about 5.30 p.m. on 12-1-88 to discuss the matter of late marking.

24. It has come in the evidence of Mr. P. K. Seth that on 13-1-88 some understanding arrived at between the delinquent employee and M. W. 1 and both have signed the document marked as Ext. M. 6. When Ext. M. 6 was produced before the enquiry officer by the management representative for confirmation of the fact as to whether Ext. M. 6 bears the signature of the delinquent employee. It

may be pointed out that management wanted to prove the signature on this document through Panna Lal who appeared as D. W. 2 before the enquiry officer. Soon after the representative for the workman raised a serious objection over this document stating that this document Ext. M. 6 is a forged one and cannot be made part of the inquiry. Even D. W. 2 has expressed his ignorance about the signature of the delinquent over Ext. M. 6 by stating that he could not understand as to by whom Ext. M. 6 has been signed. This reply of the D. W. 2 was to a question put before him by the presenting officer to the effect that the delinquent employee is the general secretary of the association and he might have been issuing different circulars on behalf of the union under his signatures. Thereafter defence was closed by the enquiry officer on the request of defence representative.

25. From the inquiry proceedings dated 10-12-90 it is quite clear that the enquiry officer suo moto called M. W. 1 for his re-examination on the document Ext. M. 6. M. W. 1 has confirmed before the enquiry officer that he and R. C. Srivastava had signed the document Ext. M. 6 in the bank on 13-1-98 in the evening at 5.00 p.m. M. W. 1 also stated before the enquiry officer that his signatures over document Ext. M. 6 was taken by Mr. R. C. Srivastava by using force and threatening. If according to M. W. 1, this document was got signed by him by using force from the delinquent employee in the banking hours on 13-1-88 at 5.00 p.m. why witness did not raise objection or reported the matter then and there to senior officers of the bank in writing. This act on the part of the delinquent employee was certainly an act of serious nature and the tribunal failed to understand the situation from the evidence of M. W. 1 as to why there is no mention of it in the chargesheet which was issued to the delinquent employee as late as on 27-1-88. Non mention of the fact about the force used by the delinquent employee in the chargesheet dated 27-1-88 in obtaining signatures of M. W. 1 over document Ext. M. 6 casts a grave doubt about the statement of M. W. 1. In his cross-examination held on 10-12-90 before the domestic inquiry witness admitted the fact that he was not having any copy of Ext. M. 6 and the same was handedover to the management the same day on 13-1-88 but strange enough to point out that despite that management failed to incorporate the incident of 13-1-88 in the chargesheet. To specific question put by the defence representative during the course of his cross-examination, before the M. W. 1 as to why he has not narrated this fact before the inquiry officer when his examination in chief started from earlier stage, the witness replied that the delinquent employee told him that he himself will put document Ext. M. 6, before the inquiry. Point for consideration that arises here is as to why delinquent employee will tell to M. W. 1 P. K. Seth that he himself will produce the document M. 6, before the inquiry, especially when on 13-1-88 neither any inquiry against the delinquent employee was pending nor was under contemplation. This

clearly goes to establish the fact that the testimony of M. W. 1 is far from truth and he has not narrated the correct facts before inquiry about the incident of 13-1-88 when it is alleged by M. W. 1 that Ext. M. 6 was got signed by him from Sri R. C. Srivastava by using force and threat. It further goes to support the case of the workman that he was victimized due to his trade union activities. It is settled principle of law that when any material document is disputed no reliance can be placed on such document by the judicial or quasi judicial authorities unless the same is duly proved by the other side. In the instant case when defence side has disputed the fact that document M. 6 is forged one and that the signatures of the delinquent employee over this document have been forged, the same could not have been proved by the M. W. 1 who was interested person and also before placing reliance over M. 6, management ought to have obtained hand writing expert's opinion on this document to establish the fact that actually this document bears the signatures of the delinquent employee. It is settled preposition of law that the disputed document cannot be exhibited during the course of inquiry judicial or quasi judicial. M. W. 1 Sri P. K. Seth before the inquiry has clarified that the understanding as alleged related to the alleged incident took place in the night of 12-1-88.

26. The enquiry officer in his findings at page 32 while dealing Ext. M. 6 letter dated 13-1-88 has recorded a clear cut finding that the delinquent employee had told to M. W. 1 that he himself will produce Ext. M. 6 before the inquiry and when the delinquent employee failed to do so he had produced this letter. From the inquiry proceedings dated 10-12-91, it is quite obvious that Ext. M. 6 was produced before the inquiry by the presenting officer himself before D. W. 2 Panna Lal from whom presenting officer wanted to get proved the signatures of the delinquent employee over Ext. M. 6. At the cost of reiteration tribunal is again of the view that when neither any disciplinary action was pending nor was under contemplation, why the delinquent employee will tell to M. W. 1 P. K. Seth that he will produce letter dated, 13-1-88 before the inquiry. Moreover, there appears great variance in the stand of the management Ext. M. 6. Had actually Ext. M. 6 been genuine and existing on 13-1-88 and according to the own admission of M. W. 1 Mr. P. K. Seth that Ext. 6 was handedover to the management on 13-1-88 how Ext. M. 6 came in possession of M. W. 1 who according to the inquiry findings produced the same before the inquiry. Moreover, Ext. M. 6 had already been filed on the record of the inquiry by the presenting officer during the course of cross-examination of D. W. 2 before the enquiry officer. From this point of view the tribunal is not in agreement with the findings of the inquiry officer on this point that Ext. M. 6 was produced by M. W. 1 and no reliance could have been placed over document Ext. M. 6 by the Enquiry Officer for arriving at a conclusion that the

incident of using of abusive language and manhandling by the delinquent employee took place in the night of 12-1-88 as alleged in the chargesheet dated 27-1-88. It is further pointed out that the said alleged document was produced after the defence evidence was concluded. Apparently no opportunity to workman was provided to defend himself after re-examination of M. W. 1 Sri Seth by the E. O. The said document even accepted in evidence cannot be made the sole basis for arriving at the conclusion to hold the workman guilty of the charges levelled against him when the genuineness of the same has been seriously assailed by the workman during enquiry proceedings. Further the content of the said disputed settlement Ext. M. 6 as alleged, it does not relates to the alleged incident of the manhandling but it relate to some other family affairs which are not the subject matter of enquiry. The contents of the said document nowhere throws light, nevertheless, to prove the alleged incident of assault which totally negatives the conclusion arrived at and recorded by the E. O. No other reliable evidence to connect the workman with the alleged incident mentioned in the charge sheet is found in the enquiry proceedings, therefore, there is no evidence worth the name to connect the workman with the alleged charges.

27. Now it will be seen as to whether or not on the basis of evidence recorded by the prosecution side as well as from the side of the defence before the inquiry, the alleged charges against the workman stands proved or not.

28. Having carefully scrutinized the evidences of the above witnesses, it is concluded that M. W. 2 and M. W. 3 have not corroborated the evidence of M. W. 1 Mr. Seth to the effect that the workman had manhandled with him and slapped him as a result of which the spectacles of M. W. 1 broken on 12-1-88. It has also come in evidence before the inquiry that M. W. 1 did not inform any one regarding the alleged incident. Even this fact has also been admitted by him in his evidence. M. W. 2 has stated in his evidence that in the night 12-1-88 he received telephonic call from M. W. 3 Mr. Sharma at about 10.00 p.m. and upon hearing him he asked him to cool down and the matter will be discussed in the morning of 13-1-88. Nowhere in his evidence M. W. 2 has narrated the fact as to over what matter discussions were held between him and M. W. 3. Therefore, the evidence of M. W. 2 is of no help to the prosecution as from the evidence of M. W. 2 it is not established that the workman either had used abusive language or had manhandled Mr. P. K. Seth in the night of 12-1-88 at about 9.00 p.m.

29. Mr. Arun Sharma M. W. 3, in his evidence has stated that he was present in the office on 12-1-88 at about 9.00 p.m. He also admitted the fact that on 12-1-88 he had permitted D. W. 1 Shyam Bahadur Chowkidar to leave branch at about 8.45 p.m. as some guests were present at his home. M. W. 3 further stated that the workman,

Mr. Bachchoo Lal, Than Singh alongwith an outsider entered in the bank hall. They were under the influence of alcohol upto such extent that their legs were staggering and even they were not able to walk properly. They were walking with the help of chairs and tables. All of them were abusing the management staff and shouting loudly. M. W. 3 also admitted the presence of M. W. 1 at about 9.00 on 2-1-88. M. W. 3 further admitted that he tried to pacify these persons. He also stated that after switching off the bank he closed the doors and went to deposit the keys at the residence of Assistant Manager (Operations). Witness also admitted the fact that he heard *Bachao Bachao* but this witness in his evidence had nowhere stated the fact that he saw the delinquent employee manhandling Mr. P. K. Seth. Witness admitted the fact that while going to home at the petrol pump he asked about the spectacles of M. W. 1, then M. W. 1 narrated that he had been manhandled by the delinquent employee. Witness also admitted the fact that at about 10.00 p.m. he had a discussion with M. W. 2 over telephone but had not stated as to what were the discussions held between him and M. W. 2. M. W. 3 has also admitted in his evidence that officials of the bank including Mr. B. M. Sikka were residing in the bank's compound. If according to this witness he had heard *Bachao Bachao* the voice of the M. W. 1, why other employees of the bank residing in the bank compound not came out from their residence. M. W. 3 in his evidence has made some other allegations against the delinquent employee which do not find place in the allegations of charges just with a view to increase the gravity of alleged charges. It could not be believed at all that the voice of *Bachao Bachao* could have been heard only by M. W. 3 and the same could not have been heard by the residents of the bank compound. This creates great doubt about the incident of manhandling by the delinquent employee with M. W. 1 Mr. P. K. Seth, and also creates doubt that they were actually present in the bank at about 9.00 on 12-1-88 when incident is alleged to have taken place.

30. M. W. 1 in his evidence has admitted the fact that he was present in the bank on 12-1-88 at about 9.00 p.m. He saw four persons entered in the bank hall. Out of them only three persons were known to him they were Bachchoo Lal, Than Singh and Mr. R. C. Srivastava and the fourth one was not known to him being an outsider. He has further admitted that while he was switching off the light of his department, these persons were shouting and abusing badly to the management staff. They were also in a drunken stage and they were not able to walk freely. Their legs were staggering and they were moving with the help of tables and chairs. This witness has also stated some other allegations in his statement which were not the part of the alleged allegations of charges with a to enlarge the gravity of the allegations. Witness also admitted that delinquent employee and others were tried to be pacified by him and Mr. Arun Sharma. Witness further stated that when

Mr. Arun Sharma moved to deposit the keys at the residence of Mr. Sikka, Asstt. Manager, situated in bank's compound, Mr. Srivastava (delinquent employee) pulled his tie and slapped him as result of which his spectacles was broken and he received bruise in the left eye. Blood also came out. Witness also admitted that he did not inform the incident to any body. Witness also admitted that the delinquent employee tendered apology for the incident in the presence of M. W. 3 Mr. Arun Sharma. During the course of his cross examination, this witness has put a suggestion from the defence side that witness M. W. 1 was made an escape-goat by the management to falsely implicate Sri R. C. Srivastava as he was the General Secretary of the Association which position he still holds to which witness replied that nothing false whatever I have stated is correct. To an another question put by the defence representative to this witness in his cross examination that on 12-1-88 the day of the alleged incident, you and Mr. Arun Sharma, M. W. 3 left the bank at 7.30 p.m. as you had to join a cocktail party at a club and both of you took drinks and thereafter as directed by the management you both planted a false story to get Sri Srivastava involved and be victimized as he was the General Secretary of GBSA, Kanpur, but you did not report the matter to the police to register the false case as you both were heavily drunk. In reply it was stated by the witness that it is totally incorrect and what ever incident has happened only that he has said.

31. D. W. 1 is Shyam Bahadur, Chowkidar of the bank. In his examination in chief witness has admitted that on 12-1-88 he was on duty from 1.30 p.m. to 9.00 p.m. On a specific question put by defence representative as to whether witness was present on duty throughout the day. Reply was in affirmative. Regarding his duty witness stated that he used to go the gate and took the keys from the previous person and see the locks and also check whether there is stick and sit at the gate and guard the premises. Regarding duty on 12-1-88 witness stated that once work is over in the bank he is called for closing the doors and windows and then close the main gate and leave the keys in bungalow where there is a provision for depositing the key in the box. Witness stated that on 12-1-88 he was called at about 8.45 p.m. and closed the doors after persons left the bank. Witness also admitted that inside the bank he used to switch off the lights. On that day Mr. Sharma called him. Witness denied the presence of Mr. R. C. Srivastava and also did not see any one fighting on 12-1-88.

32. In his cross examination D. W. 1 stated that Mr. R. C. Srivastava is known to him from before his joining the bank and further stated that his father was the employee of the bank and witness used to visit the residence of the employee concern. Due to love and affection he used to visit at the residence of the employee concern.

33. D. W. 2 Mr. Panna Lal who was residing in the bank compound has stated that he saw D. W. 1 Shyam Bahadur closing the portico gate on 12-1-88 at while going

to chewing the beetle at about 8.40 p.m. On being asked by this witness from D. W. 1 whether bank has been closed he replied in affirmative. In his cross examination D. W. 2 has admitted that on 12-1-88 he was working as head peon in the bank. This witness in his cross examination has further admitted that after hearing the news at 8.45 he went out to take pan. Witness has further admitted that while he was returning from taking pan he saw the chowkidar closing big gate of the bank.

34. From the above evidence of the witnesses of both sides the main question for determination which arises for consideration is as to whether on 12-1-88 chowkidar had closed the bank at relevant time of the bank was closed by the witness M. W. 3 Mr. Arun Sharma. Mr. Arun Sharma in his evidence has clearly stated that he allowed the chowkidar on 12-1-88 to leave the bank at about 8.45 p.m. as there were some guests at the house of D. W. 1 chowkidar Shyam Bahadur, whereas this fact has been denied by D. W. 1 in his evidence where he deposed that on 12-1-88 he was present on his duty w.e.f. 1.30 p.m. to 9.00 p.m. and that at about 8.45 p.m. he was called to switch off the lights and to close the bank. He further stated that after closing the bank he dropped the keys of the lock at the place where provision was made at the residence of Asstt. Manager in the bank compound. This statement has been corroborated by D. W. 2 who stated that he saw Shyam Bahadur chowkidar locking the main gate of the bank at about 9.30 p.m. while returning from taking pan. D. W. 1 has also denied having any incident taking place on 12-1-88. The evidence of M. W. 3 that he switched off the light of the bank and locked the bank and went to deposit the keys at the residence of the Asstt. Manager in the bank compound on 12-1-88 at about 9.00 p.m. is not supported by any independent witness. As it has already been held by the tribunal that M. W. 1 is the interested witness and on other points his evidence was not found correct by the tribunal his testimony that M. W. 3 went to deposit the keys at the residence of the Manager on 12-1-88 at about 9.00 p.m. cannot be believed. The enquiry officer has discarded the evidence of D. W. 1 without any corroborative evidence on the ground that he is close to the delinquent employee hence is interested to save him cannot be accepted at all. Atleast enquiry officer should have applied its mind as to why he should tell a lie. From the attendance register produced before the inquiry it is clear that there is mention of timing from 1.30 p.m. to 9.00 p.m. against the name of D. W. 1 and this fact too has been admitted by M. W. 3. M. W. 3 could not explain satisfactory reason as to when he allowed D. W. 1 to leave the bank at about 8.45 p.m. then why he permitted the D. W. 1 to mark timing as 9.00 p.m. in the column meant for sign off. M. W. 3 has not stated anything in his evidence regarding alleged incident of 12-1-88, who was of formal nature. The reasons given by the enquiry officer discarding the evidence of D. W. 2 also cannot be accepted. Further the finding recorded by the enquiry

officer that the memorandum dated 13-1-88 Ext. 6 goes to establish the fact that incident as alleged in the charge sheet took place in the night of 12-1-88 also cannot be held good in view of challenge that Ext. M. 6 is a forged document and that the signatures of the delinquent employee over this document has been denied and also document no. Ext. M. 6 has not been proved by the management bank during the course of inquiry.

35. In view of over all appraisal of the evidence and material available before the enquiry officer, the tribunal hold that the management bank has miserably failed to establish the charges against the delinquent employee. Tribunal is further of the opinion that all the officers of the bank named in the inquiry have roped in the delinquent employee by planting false case of misconduct with the help of Mr. Bachchoo Lal Mishra and Than Singh employees of the bank with a view to victimize him on account of his Trade Union activities by adopting colourable exercise of managerial powers. If it was not so why disciplinary actions were not taken by the management bank against Mr. Bachchoo Lal Mishra and Than Singh against whom serious allegations have been levelled in the charge sheet dated 27-1-88 issued to the delinquent employee. Tribunal further finds that the delinquent employee has been singled out in the matter of award of punishment which is highly discriminatory and shows that the delinquent employee has become the victim of the whims of the management.

36. Tribunal is further of the opinion that the enquiry findings are perverse and suffers from infirmities apparent on the face of the enquiry proceedings which cannot be made basis for awarding punishment of dismissal from the service to the delinquent employee by the disciplinary authority/management Bank.

37. In view of above discussions, it is held that the action of the management of ANZ Grynldays Bank Plc. Kanpur (Now known as Standard Chartered Bank, Kanpur), in dismissing Sri R. C. Srivastava from service w.e.f. 22-8-91 is neither justified nor legal. Consequently the workman is entitled to be reinstated in service with full back wages, seniority and all consequential benefits attached with the post.

38. Reference is answered accordingly.

SURESH CHANDRA, Presiding Officer

नई दिल्ली, 5 अक्टूबर, 2006

का. आ. 4221.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न रेलवे के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण कोटा के पंचाट (संदर्भ संख्या 2/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-10-2006 को प्राप्त हुआ था।

[सं. एल-41025/4/2006-आई आर (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 5th October, 2006

S.O. 4221.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 2/2002) of the Industrial Tribunal, Kota now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Western Railway and their workman, which was received by the Central Government on 04-10-2006.

[No. L-41025/4/2006-IR (B-I)]

AJAY KUMAR, Desk Officer

अनुबन्ध

न्यायाधीश, औद्योगिक न्यायाधिकरण/केन्द्रीय/कोटा/
राजस्थान

पीठासीन अधिकारी—के. के. गुप्ता, आर. एच. जे. एस.

रैफ्रेन्स प्रकरण क्रमांक : औ.न्या./केन्द्रीय/2/2002

दिनांक स्थापित : 17-1-02

प्रसंग : भारत सरकार, श्रम मंत्रालय, नई दिल्ली के आदेश संख्या 33 (23)/86-कोन-I (डी.-II बी) दिनांक जून, 87 एवं प्रकरण स्थानान्तरित आदेश संख्या 33(23)/86-कोन. I (डी.-II बी.) (बी. आई.) दिनांक 20-12-01

रैफ्रेन्स अन्तर्गत धारा 10(1)(घ) औद्योगिक विवाद
अधिनियम, 1947

मध्य

राज कुमार द्वारा डिविजनल सेक्रेटरी, पश्चिम रेलवे कर्मचारी परिषद्, एस. बी. बी. जे. बैंक के सामने, भीमगंज डी, कोटा।

—प्राथी श्रमिक

एवं

डिविजनल रेलवे मैनेजर, पश्चिम रेलवे, कोटा।

—अप्राथी नियोजक

उपस्थित

प्राथी श्रमिक की ओर से : श्री राजकुमार (प्राथी श्रमिक स्वयं)

अप्राथी नियोजक की ओर : श्री रामनिवास पाठक
से प्रतिनिधि सहा. कार्मिक अधिकारी

अधिनिर्णय दिनांक : 3-08-06

अधिनिर्णय

भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा अपने उक्त प्रासंगिक आदेश दि. जून, 1987 द्वारा निम्न रैफ्रेन्स, औद्योगिक विवाद अधिनियम, 1947 (जिसे तदुपरान्त "अधिनियम" से सम्बोधित किया जाएगा) की धारा 10(1)(घ) के अन्तर्गत पूर्व में औद्योगिक न्यायाधिकरण/केन्द्रीय/कानपुर को अधिनिर्णयार्थ सम्प्रेषित किया गया था, तत्पश्चात् प्रकरण औद्यो. न्यायाधिकरण/केन्द्रीय/नई दिल्ली को व तदुपरान्त आदेश

दि. 20-12-01 के जरिये इस न्यायाधिकरण को अधिनिर्णयार्थ स्थानान्तरित किया गया :—

“क्या वेस्टर्न रेलवे के प्रबंधन की श्री राज कुमार नैमित्तिक कर्मकार को नियमित न करने और उसके स्थान पर उसकी सेवाएं 2-5-1977 से समाप्त करने को कार्यवाही वैध और न्यायोचित है ? यदि नहीं, तो संबंधित कर्मकार किस अनुतोष का हकदार है ?”

2. उक्त रैफ़रेंस प्रकरण पत्रावली इस न्यायाधिकरण को प्राप्त होने पर पंजीबद्ध उपरान्त पक्षकारों को सूचना विधिवत रूप से जारी की गयी।

3. प्रार्थी श्रमिक राजकुमार की ओर से क्लेम स्टेटमेंट में संक्षेप में यह अभिकथित किया गया है कि उसे अप्रार्थी निजोजक द्वारा दिनांक 25-10-72 से आकस्मिक श्रमिक के रूप में नियुक्त किया गया था तथा उसने सीनियर इलैक्ट्रिकल फोरमैन, वेस्टर्न रेलवे, आगरा फोर्ट के अधीन 1-5-77 तक बनावटी व्यवधान के साथ कार्य किया था। प्रार्थी ने दिनांक 25-10-72 से 24-10-73 के मध्य लगातार कार्य करते हुए 240 दिन से भी अधिक समय तक कार्य कर लिया था, तथापि उसे दिनांक 2-5-77 से बिना नोटिस अथवा नोटिस वेतन व छंटनी का मुआवजा दिए सेवा से पृथक कर दिया गया जोकि अधिनियम की धारा 25-एफ के विपरीत है। इसके अतिरिक्त उससे कनिष्ठ व्यक्ति धारासिंह को सेवा में नियमित कर दिया गया, वरिष्ठता सूची का प्रकाशन नहीं किया गया जोकि औ.वि. नियमों के नियम 76 व 77 की अवहेलना है। प्रार्थी के द्वारा 120 दिन लगातार कार्य पूर्ण करने के उपरांत भी निर्धारित वेतनमान अनुसार एरियर राशि का भुगतान नहीं किया गया जो कि नियमों की अवहेलना है। अन्त में प्रार्थना की गयी है कि प्रार्थी को उक्त प्रकार से सेवा से हटाया जाना अनुचित एवं अवैध घोषित करते हुए पिछले सम्पूर्ण वेतन व समस्त लाभों सहित सेवा में पुनर्स्थापित किए जाने का अनुतोष प्रदान किया जावे।

4. अप्रार्थी नियोजक की ओर से उक्त क्लेम का जवाब प्रस्तुत करते हुए यह प्रतिवाद किया गया है कि प्रार्थी दि. 25-10-72 से सीनियर इलै. फोरमैन, आगरा फोर्ट के अधीन आकस्मिक श्रमिक के रूप में अवश्य कार्यरत हुआ था, परन्तु उसने कभी भी लगातार कार्य नहीं किया इसलिए वह अस्थायी श्रमिक का दर्जा प्राप्त करने का अधिकारी नहीं था। आगे यह भी अभिकथित किया गया है कि प्रार्थी का नियोजन दि. 29-4-76 से 28-5-76 तक एक माह के लिए विशेष-करार के तहत था, प्रार्थी ने कभी भी 240 दिन तक लगातार दि. 25-10-72 से 24-10-73 तक की अवधि में कार्य पूर्ण नहीं किया। प्रार्थी स्वयं ही दि. 21-12-72 से 21-1-73 तक 32 दिन व 28-3-73 से 7-5-73 तक 40 दिवस स्वयं बिना किसी स्वीकृति के कार्य से अनुपस्थित रहा है तथा बाद में भी बीच-बीच में कार्य से अनुपस्थित होता रहा है। इस प्रकार प्रार्थी ने कभी भी अप्रार्थी नियोजक के नियोजन में लगातार 240 दिन तक कार्य पूर्ण नहीं किया इसलिए वह अधिनियमान्तर्गत कोई अनुतोष का अधिकारी नहीं है। प्रार्थी के मामले में औ. वि. नियमों के नियम 76 व 77 की कोई अवहेलना नहीं की गयी। चूँकि प्रार्थी ने 240 दिन तक लगातार कार्य नहीं किया इसलिए कोई नोटिस अथवा नोटिस

वेतन भुगतान दिया जाना आवश्यक नहीं रहा है। एक अन्य श्रमिक धारासिंह की सेवाएं एस ई एफ आगरा फोर्ट द्वारा समाप्त कर दी गयी थीं क्योंकि उसे स्क्रीनिंग कमेटी द्वारा अयोग्य घोषित कर दिया गया था, किन्तु इलै. चार्जमेन, भरतपुर द्वारा उसे पुनः स्क्रीनिंग कमेटी में योग्य पाये जाने पर नियोजन में लिया गया। अन्त में प्रार्थना की गयी है कि प्रार्थी का क्लेम निराधार व बेबुनियाद होने से सव्यय निरस्त किया जावे।

5. प्रार्थी की ओर से जवाबुलजवाब भी प्रस्तुत किया गया है जिसमें क्लेम में वर्णित तथ्यों की ही पुनरावृत्ति करते हुए अप्रार्थी के जवाब में रहे तथ्यों का प्रतिवाद किया गया है और यही अभिकथित किया है कि उसने अप्रार्थी के यहां नियोजन में 240 दिन तक लगातार कार्य कर लिया था तथापि उसे बिना अधिनियम की धारा 25-एफ, जी, एच के प्रावधानों की पालना किए सेवा से हटा दिया है जो अनुचित है, उसे समस्त लाभों सहित सेवा में पुनर्स्थापित का अनुतोष प्रदान किया जावे।

6. प्रार्थी ने साक्ष्य में स्वयं को व अप्रार्थी नियोजक की ओर से श्री एस. मजुमदार, तत्कालीन ए पी ओ, डी आर एम. कोटा को परीक्षित करवाया गया है। पक्षकारों की ओर से प्रलेखीय साक्ष्य भी प्रस्तुत की गयी है।

7. पक्षकारों को बहस सुनी गयी, पत्रावली पर उपलब्ध लिखित बहस, साक्ष्य व सामग्री का ध्यानपूर्वक परिशीलन किया गया।

8. प्रार्थी का सर्वप्रथम यह तर्क है कि उसने अप्रार्थी के अधीन दि. 25-10-72 से 24-10-73 के मध्य 292 दिन कार्य कर लिया है और इस अवधि में 120 दिन लगातार नौकरी भी कर ली है इसलिए वह अप्रार्थी संस्था में नियमानुसार अस्थायी दर्जा (Temporary Status) प्राप्त करने का अधिकारी है और नियमित होने का अधिकारी है। अप्रार्थी नियोजक का तर्क है कि प्रार्थी ने लगातार कार्य नहीं किया है और 25-10-72 से 24-10-73 के मध्य क्रमशः 32 व 40 दिन गैर हाजिर भी रहा है। उनका यह भी कहना है कि श्रमिक को जारी पीले रंग के कार्ड से कार्य दिवसों का इन्द्राज किया जाता है जोकि श्रमिक के पास रहता है जिसे उसने प्रस्तुत नहीं किया है। प्रार्थी स्क्रीनिंग टेस्ट में असफल हो गया था और उसे अयोग्य घोषित कर दिया गया था इस कारण नियमित नहीं किया गया।

9. प्रार्थी ने अपने शपथ-पत्र के पैरा 6 में स्वीकार किया है कि वह तथा अन्य 35 लोग सितम्बर व नवम्बर, 75 में हुए स्क्रीनिंग टेस्ट में अयोग्य पाए गए थे। इस तरह से अप्रार्थी के इस कथन की पुष्टि होती है कि प्रार्थी के द्वारा 25-10-72 से 24-10-73 के मध्य किए गए सेवा कार्य के आधार पर उसे नियमित करने के लिए स्क्रीनिंग टेस्ट लिया गया था, किन्तु उसमें वह अयोग्य पाया गया इस कारण उसे सेवा से निष्कासित कर दिया गया।

10. प्रार्थी के द्वारा अपने तर्क समर्थन में माननीय गुजरात उच्च न्यायालय का न्यायदृष्टांत “1987 (II) एल. एल. जे. 304-अश्वीन एन. प्रकाश बनाम यूनियन ऑफ इण्डिया” प्रस्तुत किया गया है। इस मामले में श्रमिक की सेवा दुराचरण के आधार पर बिना जाँच के समाप्त कर दी गयी थी। किन्तु हस्तगत मामले में इस तरह के तथ्य नहीं हैं। प्रार्थी की ओर से दूसरा न्यायदृष्टांत माननीय कलकत्ता उच्च न्यायालय

का "ए. टी. आर. 1988 (2) सी. ए. टी. 483-जोयडेब सन्तरा बनाम यूनियन आफ इण्डिया" प्रस्तुत किया गया है जोकि आकस्मिक श्रमिक के नियमित होने पर सेवा की गणना के सम्बन्ध में है। किन्तु यहाँ इस तरह का मामला नहीं है। प्रार्थी की ओर से माननीय कलकत्ता उच्च न्यायालय के महेश्वर ठाकुर वाले न्यायदृष्टांत की ओर से भी ध्यानाकर्षित किया गया, किन्तु इस न्यायदृष्टांत के तथ्य भी हस्तगत मामले के तथ्यों से भिन्न हैं। अतः ये उक्त तीनों न्यायदृष्टांत प्रार्थी को कोई सहायता नहीं पहुँचाते हैं।

11. प्रार्थी का यह भी कहना है कि उसने 240 दिन तक लगातार सेवा पूर्ण कर ली थी और 2-5-77 से बिना नोटिस मुआवजे धारा 25-एफ की पालना किए उसे सेवा से निष्कासित कर दिया गया। अप्रार्थी का कहना है कि प्रार्थी को 30-5-76 से ही सेवा से निष्कासित कर दिया गया था और उसे सेवा निष्कासन के पूर्ववर्ती 12 माह में 240 दिन की सेवा पूर्ण कर लेना साबित करना होगा। अपने तर्क समर्थन में न्यायदृष्टांत "आर. एल. डब्ल्यू. 1992 (1) पृष्ठ 223-गैरीसन इंजीनियर, एम ई एस बनाम सेन्ट्रल इण्ड. ट्रिब्यूनल, जयपुर एवं अन्य, आर. एल. डब्ल्यू. 2000 (4) राज. 297-मुंशीखान बनाम स्टेट आफ राज., II (2002) एल. एल. टी. 154 (एस. सी.)-रेन्ज फोरेस्ट ऑफिसर बनाम एस. टी. हादीमनी तथा 2004 एस. सी. सी. (एल एण्ड एस) 1062-म्यूनिसिपल कोर., फरीदाबाद बनाम श्रीनिवास" प्रस्तुत किए गए हैं। इन न्यायदृष्टांतों में माननीय उच्च एवं उच्चतम न्यायालय द्वारा यह सिद्धांत प्रतिपादित किया गया है कि श्रमिक को यह साबित करना है कि उसने सेवा निष्कासन की तिथि के पूर्ववर्ती 12 माह में 240 दिन की सेवा पूर्ण कर ली थी। हस्तगत मामले में प्रार्थी श्रमिक ने 2-5-77 से अपना निष्कासन होना बताया है। क्लेम स्टेटमेंट में उसने यह कहा है कि 25-10-72 से 1-5-77 तक उसने कार्य किया है और इस सेवावधि के अन्दर 25-10-72 से 24-10-73 के मध्य 240 दिन से अधिक कार्य किया है। अप्रार्थी ने इसका खण्डन किया है और कहा है कि प्रार्थी ने 30-5-76 तक ही कार्य किया है तथा 21-12-72 से 21-1-73 तक 32 दिन व 28-3-73 से 7-5-73 तक 40 दिन तक उसने कार्य नहीं किया है। शपथ-पत्र में भी इसी तरह के तथ्यों के कथन किए गए हैं। प्रार्थी राजकुमार ने अपने शपथ-पत्र के पैरा 5 में कहा है कि उसे कार्य से 30-5-76 को सीनियर इलेक्ट्रिकल फोरमैन, आगरा फोर्ट द्वारा सेवामुक्त कर दिया गया था, किन्तु उसने जिरह में यह कहा है कि उसने 1-5-77 तक ही कार्य किया है। अप्रार्थी के गवाह एस. मजूमदार ने यह कहा है कि प्रार्थी ने 240 दिन तक कार्य नहीं किया है और इस गवाह से प्रार्थी ने जिरह में प्रदर्श डब्ल्यू. 1 उपस्थिति रजिस्टर की फोटोप्रति को प्रदर्शित करवाया है। प्रदर्श डब्ल्यू. 1 के अवलोकन से मैं यह पाता हूँ कि इसमें प्रार्थी का 29-5-76 तक ही कार्य करना बताया गया है तथा 30-5-76 को अवकाश होने से उसे 30-5-76 को दोपहर बाद सेवामुक्त करना बताया गया है। इस तरह 30-5-76 के पूर्ववर्ती वर्ष में कार्य दिवसों की गणना की जाए तो 240 दिन नहीं आते हैं। प्रार्थी ने अपने शपथ-पत्र के पैरा सं. 7 में यह कहा है कि उसने अप्रार्थी के यहां कुल 394 दिन कार्य किया है। प्रार्थी ने अपने जवाबुलजवाब के पैरा नं. 3 में 25-10-72 से 24-10-73 तक किए गए कार्य विवरण में 292 दिन कार्य करना बताया है। इस तरह से प्रार्थी के द्वारा अप्रार्थी के अधीन कुल 394 दिन कार्य करना बताया

गया है, उसमें से 25-10-72 से 24-10-73 तक के मध्य किए गए 292 कार्य दिवस को कम कर देने से शेष 102 कार्य दिवस बचते हैं। अर्थात् प्रार्थी स्वयं के अभिकथनों व कथनों के अनुसार प्रार्थी ने 30-5-76 के पूर्ववर्ती वर्ष में 240 दिन तक कार्य नहीं किया है और यदि 2-5-77 को उसका कार्य देखें तो 2-5-77 के पूर्ववर्ती वर्ष में भी उसने 240 दिन तक कार्य नहीं किया है, बल्कि यह साबित होता है कि प्रार्थी के द्वारा 30-5-76 के बाद कोई कार्य नहीं किया गया है। अर्थात् 30-5-76 के बाद 2-5-77 तक प्रार्थी का कोई कार्य नहीं है। प्रार्थी ने केवल मौखिक कथन किया है, जबकि उसके द्वारा प्रदर्शित कराए गए प्रदर्श डब्ल्यू. 1 में 30-5-76 तक ही कार्य करना पाया जाता है तथा अप्रार्थी का भी यही कथन रहा है कि प्रार्थी ने 30-5-76 तक ही कार्य किया है। प्रार्थी ने लिखित बहस अंग्रेजी में प्रस्तुत की है, उसमें भी प्रार्थी ने यह अंकित किया है कि उसे 31-5-76 को सेवामुक्त कर दिया गया था। अतः यह साबित नहीं होता है कि प्रार्थी को 2-5-77 को सेवामुक्त किया गया था। इस तरह से प्रार्थी यह साबित करने में सफल नहीं रहा है कि उसने सेवा निष्कासन के पूर्ववर्ती 12 माह में, अर्थात् 2-5-77 के पूर्ववर्ती 12 माह अथवा 30-5-76 के पूर्ववर्ती 12 माह में 240 दिन का कार्य कर लिया हो।

12. अप्रार्थी का यह भी तर्क रहा है कि चूंकि रेफ्रेन्स 2-5-77 की सेवामुक्ति के सम्बन्ध में है इसलिए न्यायाधिकरण प्रार्थी को 30-5-76 से की गयी सेवामुक्ति को इस रेफ्रेन्स में नहीं देख सकता है और रेफ्रेन्स में किसी प्रकार का संशोधन नहीं कर सकता है तथा मामला खारिज होने योग्य है और अपने तर्क समर्थन में न्यायदृष्टांत "2003 डब्ल्यू. एल. सी. (राज.) यू. सी. 424-महावीर कण्डक्टर बनाम नंदकिशोर" को प्रस्तुत किया है।

13. उक्त न्यायदृष्टांत में माननीय राज. उच्च न्यायालय द्वारा यह स्पष्ट रूप से प्रतिपादित किया गया है कि न्यायालय/न्यायाधिकरण रेफ्रेन्स में किसी प्रकार का संशोधन करने में सक्षम नहीं है। प्रार्थी द्वारा यह साबित नहीं किया गया है कि उसने 2-5-77 तक अप्रार्थी के यहाँ आकस्मिक श्रमिक के रूप में कार्य किया है। इसके विपरीत प्रार्थी स्वयं की साक्ष्य एवं अभिकथनों तथा अप्रार्थी के दस्तावेजों से यह साबित होता है कि प्रार्थी को 30-5-76 को सेवामुक्त कर दिया गया था। अतः इस आधार पर भी यह मामला चलने योग्य नहीं है।

14. प्रार्थी श्रमिक का एक तर्क यह भी रहा है कि धारासिंह जोकि उससे कनिष्ठ था, उसे सेवा में पुनर्स्थापित कर दिया गया, जबकि प्रार्थी को पुनः सेवा में आने का अवसर नहीं दिया गया। अप्रार्थी का यह कथन है कि दि. 21-12-81 को सूचनापट्ट पर इस सम्बन्ध में सूचना प्रसारित कर दी गयी थी और एनक्सर डी. 1 के रूप में उसे प्रदर्शित करवाया गया है। उनका यह भी तर्क है कि प्रार्थी व धारासिंह वगैरह 35 व्यक्तियों को स्क्रीनिंग टेस्ट में अयोग्य हो जाने के कारण निष्कासित कर दिया गया था जिसका आदेश एनक्सर डी. 2 है। इस आदेश में यह स्पष्ट अंकित किया गया है कि इन व्यक्तियों को पुनः स्क्रीनिंग हेतु नहीं बुलाया जा सकेगा। अतः प्रार्थी इस आधार पर भी कोई अनुतोष प्राप्त करने का अधिकारी नहीं है।

15. यह स्वीकृत तथ्य है कि प्रार्थी व अन्य 35 जिनमें धारासिंह भी सम्मिलित था, स्क्रीनिंग टेस्ट में अयोग्य होने के कारण सेवामुक्त कर

दिए गए थे। इसकी पुष्टि प्रार्थी के कथन व एनक्सर डी. -2 से होती है। इसके अवलोकन से यह पाया जाता है कि प्रार्थी व अन्य अभ्यर्थी जोकि स्क्रीनिंग टेस्ट में अयोग्य घोषित हो गये, वे पुनः स्क्रीनिंग टेस्ट के लिए कंसीडर नहीं किए जायेंगे। इस तरह से प्रार्थी का यह कथन कि उसे स्क्रीनिंग टेस्ट के लिए दुबारा बुलाना चाहिए था, स्वीकार किए जाने योग्य नहीं है। फिर भी अप्रार्थी के द्वारा सूचनापट्ट पर दि. 21-12-81 को इस आशय की सूचना प्रसारित की गयी थी जिसकी पुष्टि एनक्सर डी. 1 से होती है। वैसे तो धारासिंह को जिस भी अधिकारी द्वारा स्क्रीनिंग टेस्ट के लिए पुनः बुलाया गया था, उसकी लापरवाही व गलती के कारण उसे कंसीडर करके नियमित कर दिया गया। उससे यह निष्कर्ष नहीं निकलता है कि प्रार्थी श्रमिक को भी किसी प्रकार का कोई अधिकार प्राप्त हो गया हो। अतः प्रार्थी के मामले में धारा 25-जी की अवहेलना होना भी नहीं पाया जाता है।

16. अप्रार्थी का यह भी तर्क है कि प्रार्थी ने निष्कासन का मामला 2-5-77 का बताया है जो सन् 87 में रेफ्रेन्स होकर न्यायाधिकरण को प्राप्त हुआ है जोकि लगभग 9-10 साल की देरी से उठाया है। प्रार्थी ने इस देरी का यह कारण बताया है कि धारासिंह को नौकरी में ले लिया तो उसकी जानकारी में यह मामला आया और तब उसने अपना यह मामला उठाया। अप्रार्थी का यह कहना है कि जो मामला खत्म हो चुका था, उसको इस आधार पर पुनः जीवित नहीं किया जा सकता है। प्रार्थी का इस सम्बन्ध में यह तर्क है कि अधिनियमान्तर्गत विवाद उठाने में कोई परिसीमा नहीं है।

17. इस सम्बन्ध में माननीय उच्चतम न्यायालय ने न्यायदृष्टांत "2000 (2) एस. सी. सी. 455-नेदुनगुडी बैंक लि. बनाम के. पी. माधवनकुट्टी के पैरा 6 में यही सिद्धांत प्रतिपादित किया है कि मामला खत्म हो चुका है और उसको इतनी देरी से इस आधार पर उठाना कि अन्य श्रमिक को नौकरी पर ले लिया गया है, उचित नहीं है। अतः इस आधार पर भी प्रार्थी का यह मामला चलने योग्य नहीं है।

18. अतः उपरोक्त सम्पूर्ण विवेचन के आधार पर प्रार्थी श्रमिक अपने मामले को साबित करने में पूर्णतया असफल रहा है और वह अप्रार्थी नियोजक से किसी प्रकार का कोई अनुतोष प्राप्त करने का अधिकारी नहीं है।

परिणामतः भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा सम्प्रेषित रेफ्रेन्स को अधिनिर्णीत कर इस प्रकार उत्तरित किया जाता है कि अप्रार्थी नियोजक डिविजनल रेलवे मैनेजर, पश्चिम रेलवे, कोटा द्वारा प्रार्थी श्रमिक राज कुमार को नियमित नहीं करना व उसके स्थान पर दिनांक 2-5-77 से उसकी सेवायें समाप्त करना अनुचित एवं अवैध नहीं है और प्रार्थी श्रमिक किसी प्रकार का कोई अनुतोष प्राप्त करने का अधिकारी नहीं है।

के. के. गुप्ता, न्यायाधीश

नई दिल्ली, 9 अक्टूबर, 2006

का. आ. 4222.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एयरपोर्ट अथॉरिटी ऑफ इण्डिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के

बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण I, मुम्बई के पंचाट (संदर्भ संख्या सी.जी.आई.टी.-48/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-08-2006 को प्राप्त हुआ था।

[सं. एल-11011/2/2000-आई आर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 9th October, 2006

S.O. 4222.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT-48 of 2000) of the Central Government Industrial Tribunal / Labour Court-I, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Airport Authority of India and their workman, which was received by the Central Government on 18-08-2006.

[No. L-11011/2/2000-IR (M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

PRESENT

Justice Ghanshyam Dass, Presiding Officer

Reference No. CGIT-48 of 2000

Parties : Employers in relation to the management of Airports Authority of India

Vs.

AAI Engineering Association

APPEARANCES

For the Management : Mr. A. S. Patil, Adv.

For the Union : Absent

State

Maharashtra

Mumbai dated the 18th day of August, 2006

AWARD

1. This is a reference made by the Central Government in exercise of its powers under clause (d) of sub-section 1 of Section 10 of the Industrial Disputes Act, 1947 (the Act for short) vide Government of India, Ministry of Labour, New Delhi Order No. L-11011/2/2000-IR (M) dated 31-7-2000. The terms of reference given in the schedule are as follows :

"Whether the action of the management of Airports Authority of India, International Airports Div., Mumbai by discriminating Technical Asstt. Gr. II (Electronic in pay-wise and promotion-wise in comparison to other similar cadres in Electrical,

Mechanical and Civil Wings is justified or not ? If not, what relief the Association, i.e. AAI Engineering Association. Mumbai is entitled to ?”

2. The dispute was raised by the Airport Authority of India Engineering Association, Mumbai Airport through its General Secretary Mr. Sheikh N. D. Warsi for the workmen working as Technical Assistant, Gr. II (Electronics) which led to the instant reference by the Central Government. The Statement of claim was filed before this Tribunal through Mr. Sheikh N. D. Warsi, General Secretary on 5-10-2000. The Airport Authority of India filed the written statement dt. 27-11-2001 to deny the contentions raised by the Association. The issues were framed on the basis of the pleadings on 14-5-2002 by the then Presiding Officer of this Tribunal. The matter remained pending for hearing.

3. Mr. Sheikh N.D. Warsi filed his own affidavit in lieu of his examination in chief on 10-6-2002. His cross-examination was under progress, but it could not be concluded since Mr. Sheikh N. D. Warsi did not make himself available. Mr. Warsi remained absent for sufficient long time. The notice was issued by the office of the Tribunal to Mr. Warsi to appear before the Tribunal for cross-examination. This notice was served personally upon Mr. Warsi for the date of hearing i.e. 21-7-2006 but Mr. Warsi did not appear. It appears that the Association is somehow not interested in pursuing with the matter for the reasons best known to it. The fact remains before me that Mr. Warsi is not appearing despite the fact that number of dates have been fixed for hearing. In this view of the matter, the affidavit of Mr. Warsi cannot be taken as a piece of evidence in support of the claim of the Association for which the dispute is being referred to by the Central Government.

4. In view of the above, I do not find any evidence in favour of the Association and hence I have no other option but to conclude that the action of the management of Airport Authority of India, International Airports Div., Mumbai by discriminating Technical Asstt. Gr. II (Electronics) in pay-wise and promotion-wise in comparison to other similar cadres in Electrical, Mechanical and Civil Wings is justified and the Association is not entitled to any relief from this Tribunal at this juncture.

The Award is made accordingly.

JUSTICE GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 11 अक्टूबर, 2006

का. आ. 4223.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हट्टी गोल्ड माईन्स के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बंगलौर के पंचाट (संदर्भ संख्या 35/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-10-2006 को प्राप्त हुआ था।

[सं. एल-29011/2/2002-आई आर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 11th October, 2006

S.O. 4223.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 35/2002) of the Central Government Industrial Tribunal/Labour Court, Bangalore now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Hutti Gold Mines and their workman, which was received by the Central Government on 9-10-2006.

[No. L-29011/2/2002-IR (M)]
B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated : 28th August, 2006

PRESENT :

Shri A. R. Siddiqui, Presiding Officer

C. R. No. 35/2002

I Party

Sh. C. Ramachandrappa,
C/o Shri Fathirajan,
President, HGML
Chitradurga Gold
Union, P B No. 4,
CHITRADURGA.

II Party

The Deputy General Manager,
M/s. Hutti Gold Mines,
Chitradurga Gold Unit,
P B No. 4,
CHITRADURGA.

APPEARANCES

I Party : Shri H. N. Venkatesh, Advocate
II Party : Smt. Usha Rani, Advocate

AWARD

1. The Central Government by exercising the powers conferred by Clause (d) of Sub-section (1) and Sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-29011/2/2002-IR (M) dated 18-07-2002 for adjudication on the following schedule :

SCHEDULE

“Whether the industrial dispute raised by HGML Chitradurga Gold Unit Employees Association against the management of Hutti Gold Mines Co. Ltd., over anomalies in promotion in the case of Sh. C. Ramachandrappa justified ? If so, to what relief the concerned workman is entitled ?”

2. The case of the first party workman whose case has been espoused by Hutti Gold Mines Limited, Chitradurga Gold Unit Employees Association as made out, in the claim statement, in brief is that he joined the services of the management as a Disc Clerk on 26-07-1974

and after having opted for V R S, his services came to be relieved on 23-11-2001. He contended that on account of promotion anomalies he raised the dispute with the management that he has been denied promotion in preference to many of his juniors promoted on 28-08-2000. He made representation immediately thereafter on 27-06-2000 and again on 28-06-2000 when another batch of his juniors were promoted denying him the legitimate right of his promotion. Had he been promoted he would have got more benefits towards gratuity and other service benefits; that one Mr. E. P. Thippeswamy and others who are juniors to him have been promoted as per order dated 27-06-2000 and 28-06-2000 and therefore he requested the management to accord notional promotion to him and to pay all monetary benefits; that the action of the management in denying promotion to him while giving promotion to his juniors during 2000 was illegal and therefore direction may be given to the management to promote him setting right the anomaly in promotion and to pay him consequential benefits.

3. The management by its counter statement, among other grounds contended that first party was working as a Disc Clerk and after having opted for V R S, his V R S application was accepted and was relieved from the management company w.e.f. 24-11-2001 and all his dues have been settled and therefore now he cannot raise an Industrial Dispute and it is liable to be rejected as not maintainable: that due to acute financial crises coupled with non-availability of graded ore to sustain the unit the company was making all its efforts to guide the destiny of the mine as nearly 500 employees were depended on its unit and therefore management offered V R S for the employees: that the I party who was working as Disc Clerk was not diligent in his performance and whittled away the opportunities provided to him to work as a Canteen Supervisor but his performance was not good even as a Canteen Supervisor, therefore, he was again taken back to original post of Disc Clerk. He was also tried as a Time Section but has never shown interest in his work, he was unable to perform his duties and whereas said Mr. E. P. Thippeswamy was capable of handling work independently and was efficient with his good performance, therefore, though he was junior to the I party but keeping in view his efficiency, skill, knowledge etc., was promoted. That the committee will recommend promotions as promotions are based on seniority and efficiency but the I party was not found eligible to be considered for promotion despite given him sufficient opportunity to improve his work and performance; that in view of the V R S introduced by the management, the I party had opted for V R S and his application having been accepted, he has been relieved from duties, therefore, he cannot raise present dispute and therefore the reference is liable to the dismissed.

4. The I party workman in support of his case filed his affidavit evidence by way of examination-in-chief reiterating the averments made by him in his claim statement

stating that he opted for V R S as more than 27 juniors to him were promoted from workmen cadre in the post to Disc Clerk to the post of Second Division Clerk and his seniority was overlooked. He further stated that on account of denial of promotion to him there has been a great financial loss and mental agony suffered by the I party. In his cross-examination he denied the suggestion that his performance as a Disc Clerk was not satisfactory and so also his performance as a Canteen Supervisor was not found satisfactory and that despite the opportunity given to him to improve his performance he failed to do so. He denied the suggestion that there is a departmental committee to assess the performance of the workman for the purpose of promotion and said Thippeswamy though happened to be his junior got promotion on account of his performance of the work and that promotion was being given on the basis of the performance by the employees concerned. He admitted that he has taken V R S and had taken compensation but denied the suggestion that his dispute subsequent to V R S is not maintainable. In his further examination-in-chief following 11 documents have been marked at Ex W-1 to Ex W-11 :

- "1. Copy of Certificate of service dt. 18-12-2001
2. List of workers promoted dt. 27-6-2000
3. List of workers promoted dt. 28-8-2000
4. Promotion order dt. 28-7-2000 of S. Siddappa
5. Promotion order dt. 24-6-2000 of P. S. Nagendra Reddy and Sri B. R. Manjunatha
6. Promotion order dt. 24-6-2000 of Sri Rajappa and V. V. Chandran
7. Promotion order dt. 24-6-2000 of Smt. P. V. Vimalkutty
8. Promotion order dt. 12-7-2000 of M. Vijaya Kumar and Sri G. K. Govinda Reddy
9. Promotion order dt. 12-7-2000 of P. R. Siddalingappa
10. Promotion order dt. 24-6-2000 of G. Suresh
11. 2 salary slips in originals pertaining to I party for the month of October 2001 and November 2001."

5. The Management on its behalf filed an affidavit of Deputy Manager (Personnel), reiterating the various contentions taken by it in the Counter Statement resisting the claim of the I party. In his examination-in-chief following 10 documents were marked at Ex M-1 to Ex M-10 :

- "1. Application by letter dt. 8-10-2001 by Mr. C. Ramachandrappa
2. Acceptance of Voluntary Retirement Scheme Application dated 24-10-2001

3. Relieving Order by letter dt. 23-11-2001
4. Undertaking given by C. Ramachandrappa
5. Two settlement vouchers of C. Ramachandrappa
6. Application for gratuity by C. Ramachandrappa
7. Gratuity settlement receipt of C. Ramachandrappa
8. Personnel Card of C. Ramachandrappa containing two pages
9. Office Order by letter dt. 15-4-2000 with regard to work allocation
10. Procedure for promotional Roster letter dt. 3-4-2000."

and there was no cross-examination to this witness on behalf of the I party, he being discharged as he and his counsel remained absent when the case was taken up for his cross-examination.

6. When the matter was taken up for final arguments on merits on 3-8-2006, I party and his counsel remained absent and after hearing the learned counsel for the management case is posted for this day for award.

7. Learned Counsel for the management argued that first of all the present dispute is not maintainable, it being raised in the year 2002 when the I party was not in the service of the management having been relieved from duties under V R S and far back as 23-11-2001. It was further argued that the promotion policy of the management is based upon Seniority-cum-Performance and since the I party as a Disc Clerk or as a Canteen Supervisor did not improve his performance, he was not considered for promotion and whereas performance of his juniors being found satisfactory, they have been promoted in preference to the I party. She also contended that the statement of the management witness speaking to the aforesaid facts has also gone unchallenged and undisputed there being no cross-examination for the I party and therefore the affidavit of the I party stating that he has been denied promotion illegally is liable to be rejected not being supported by any independent evidence and in the absence of the cross-examination of the management witness.

8. After having gone through the records, I find substance in the arguments advanced for the management. As argued for the management, the mere affidavit of the I party saying that he has been denied promotion illegally in preference to his Juniors cannot be taken a proof sufficient to suggest that the management acted illegally in denying him promotion in preference to his juniors. The documents produced by the I party at Ex W-1 to Ex W-11 will not advance his cause any further. Ex W-1 is the certificate of

service dated 18-12-2001 and it is not relevant for the purpose except but to suggest that he has been relieved from service on 23-11-2001 under V R S scheme. The documents at Ex W-2 to Ex W-10 are the various order promoting other employees on various duties mentioned therein and these are the promotion orders taken place in the year 2000, the last document at Ex W-11 and the two pay slips in original of the management of October 2001 and November 2001. Therefore, these documents will not help the case of the I party except to suggest that many of the Juniors have been promoted in the year 2000 in preference to his case for promotion.

9. As noted above statement of the management witness and the documents produced by the management have gone unchallenged and undisputed. Particularly his evidence that performance of the I party was not found satisfactory though he was given ample opportunities as a Disc Clerk and as a Canteen Supervisor. His statement that there is a Departmental Promotion Committee to look into the merits of the promotion based on the efficiency in the work and the performance for recommendation of promotion in respect of any employee has again remained undisputed not being controverted there being no cross-examination to the said witness. The fact that I party has been relieved from duty w.e.f. 23-11-2001 after having adopted for V R S, infact has been very much admitted by the I party himself and therefore as argued for the management the reference on hand for the dispute raised by the I party in the year 2002 after having been relieved from service w.e.f. 23-11-2001, first of all has to be dismissed as undisputedly as on the date he raised dispute was not the employee of the management; secondly on merits also there is absolutely no case made out by the I party that denial of his promotion by the management was illegal or arbitrary. As noted above, the statement of MW1 who had spoken to the fact that the performance of the I party as Disc Clerk and Canteen Supervisor was not found satisfactory and therefore his Juniors have been promoted has not been challenged or denied there being no cross-examination to him on behalf of the I party, likewise his statement that it is the Departmental Promotion Committee who recommend for promotion based on efficient knowledge of work etc., and that I party was not found suitable for promotion by the said committee has again remained controverted there being no cross-examination to the said witness by the I party. In the result, the reference on hand deserves no merits and therefore liable to be rejected. Hence, the following award.

ORDER

Reference stand dismissed. No orders to costs.

(Dictated to L D C, transcribed by him, corrected and signed by me on 28th August, 2006).

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 12 अक्टूबर, 2006

का. आ. 4224.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एयर पोर्ट आथॉरिटी ऑफ इण्डिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, मुम्बई के पंचाट (संदर्भ संख्या 48/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-9-2006 को प्राप्त हुआ था।

[सं. एल-11011/2/2000-आई आर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 12th October, 2006

S.O. 4224.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 48/2000) of the Central Government Industrial Tribunal/Labour Court, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Airport Authority of India and their workman, which was received by the Central Government on 4-9-2006.

[No. L-11011/2/2000-IR (M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

PRESENT.

Justice Ghanshyam Dass, Presiding Officer

Reference No. CGIT-48 of 2000

Parties : Employers in relation to the management of
Airport Authority of India

Vs.

AAI Engineering Association

APPEARANCES

For the Management : Mr. A. S. Patil, Adv.

For the Union : Absent

State : Maharashtra

Mumbai dated the 18th day of August, 2006

AWARD

1. This is a reference made by the Central Government in exercise of its powers under Clause (d) of Sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (the Act for short) vide Government of India, Ministry of

Labour, New Delhi Order No. L-11011/2/2000-IR (M) dated 31-7-2000. The terms of reference given in the schedule are as follows :

"Whether the action of the management of Airports Authority of India, International Airports Div., Mumbai by discriminating Technical Asstt. Gr. II (Electronics) in pay-wise and promotion-wise in comparison to other similar cadres in Electrical, Mechanical and Civil Wings is justified or not ? If not, what relief the Association i.e. AAI Engineering Association, Mumbai is entitled to ?"

2. The dispute was raised by the Airport Authority of India Engineering Association, Mumbai Airport through its General Secretary, Mr. Sheikh N. D. Warsi for the workmen working as Technical Assistant, Gr. II (Electronics) which led to the instant reference by the Central Government. The Statement of claim was filed before this Tribunal through Mr. Sheikh N. D. Warsi, General Secretary on 5-10-2000. The Airport Authority of India filed the written statement dt. 27-11-2001 to deny the contentions raised by the Association. The issues were framed on the basis of the pleadings on 14-5-2002 by the then Presiding Officer of this Tribunal. The matter remained pending for hearing.

3. Mr. Sheikh N.D. Warsi filed his own affidavit in lieu of his examination in chief on 10-6-2002. His cross-examination was under progress, but it could not be concluded since Mr. Sheikh N. D. Warsi did not make himself available. Mr. Warsi remained absent for sufficient long time. The notice was issued by the office of the Tribunal to Mr. Warsi to appear before the Tribunal for cross-examination. This notice was served personally upon Mr. Warsi for the date of hearing i.e. 21-7-2006 but Mr. Warsi did not appear. It appears that the Association is somehow not interested in pursuing with the matter for the reasons best known to it. The fact remains before me that Mr. Warsi is not appearing despite the fact that number of dates have been fixed for hearing. In this view of the matter, the affidavit of Mr. Warsi cannot be taken as a piece of evidence in support of the claim of the Association for which the dispute is being referred to by the Central Government.

4. In view of the above, I do not find any evidence in favour of the Association and hence I have no other option but to conclude that the action of the management of Airport Authority of India, International Airports Div., Mumbai by discriminating Technical Asstt. Gr. II (Electronics) in pay-wise and promotion-wise in comparison to other similar cadres in Electrical, Mechanical and Civil Wings is justified and the Association is not entitled to any relief from this Tribunal at this juncture.

The Award is made accordingly.

JUSTICE GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 13 अक्टूबर, 2006

का. आ. 4225.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सैन्ट्रल वेअर-हाउसिंग कारपोरेशन अहमदाबाद के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय अहमदाबाद के पंचाट (संदर्भ संख्या आई. टी. सी.-1/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को सितम्बर, 2001 को प्राप्त हुआ था।

[सं. एल-42012/1/1997-आई आर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 13th October, 2006

S.O. 4225.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. ITC-1/98) of the Government Industrial Tribunal/Labour Court, Ahmedabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Warehousing Corporation, Ahmedabad and their workman, which was received by the Central Government on September, 2001.

[No. L-42012/1/1997-IR (Misc.)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE SMT. N. J. SHELAT, INDUSTRIAL TRIBUNAL (CENTRAL) AT AHMEDABAD

Ref. (ITC) No. 1 of 98

ADJUDICATION

BETWEEN

Central Warehousing Corporation,
Ahmedabad.

... First party

Vs.

The workmen employed under it. ... Second party

In the matter of termination of Smt. Manjulaben Keshavlal Parmar w.e.f. 3-4-1995.

APPEARANCES

Shri Shirish M. Pandit, learned Advocate for the first party.

Shri B. B. Thesla, learned Advocate for the second party.

AWARD

By an order No. L-42012/1/97-IR (Misc.) dated 2nd January, 1998 the Govt. of India, Ministry of Labour, New Dehi has referred an Industrial dispute for adjudication stated in the Schedule of above order between the above

parties in exercise of powers conferred u/s. 10(1)(d) of the Industrial Disputes Act, 1947 initially to the Industrial Tribunal of Shri P. R. Desai and thereafter, finally, it was transferred to this Tribunal by an appropriate order of the Government. The dispute pertains to the termination of one Smt. Manjulaben Keshavlal Parmar, w.e.f. 3-4-1995 from the services of the Corporation as is mentioned in the schedule attached to the order of reference.

The exact terms of reference is as under :

“Whether the action of the management of Central Warehousing Corporation in terminating the services of Smt. Manjulaben Keshavlal Parmar w.e.f. 3-4-1995 is justified ? If not, to what relief the workman is entitled ?”

2. The second party workman has filed her statement of claim vide Ex. 3 inter alia contending that she is working with the first party Corporation since 1988 as a daily labourer, faithfully and diligently; that she has completed 240 days in each year and that her past service record is clean and blotless; that she has to work as per the instructions of the officer and that her timings of duty hours were from morning 10 a.m. to evening 6 p.m.; that her work was being supervised by the officers of the first party; that her services were terminated by an oral order dated 3-4-95 as she demanded her legal rights; that when her services were terminated she was not given any notice/notice pay or retrenchment compensation as prescribed under Section 25F of the Industrial Disputes Act, 1947; that after her services were terminated new persons were working with the first party Corporation; that she is ready to resume her duties; that she has not found any other job after her services were terminated; that she has prayed that the oral order dated 3-4-95 of the first party Corporation is illegal and improper and she should be reinstated on her original post with continuity of services and full back wages.

3. (a) The first party Corporation has filed its written statement vide Ex. 9 inter alia denying various contentions raised by the second party workman and has submitted that the second party used to attend herself as a labour mukadam elsewhere and this fact has been suppressed deliberately, purposely and intentionally before the Hon'ble Industrial Tribunal and hence the claim of the second party deserves to be dismissed with cost; that the second party very well knows from the very beginning that she was neither a full time nor a part time employee of the Central Warehousing Corporation, but she used to attend Central Warehousing Corporation only for casual work; that she is the labour contractor; that she used to supply labourers only quarterly in a year and sometimes in fact she was engaged by a labour mukadam to attend purely casual and unanticipated work on casual basis; that in fact she was never appointed as an employee of the Corporation; that therefore there is no direct employer-employee relationship;

that she had been working as contractor for supplying casual labourers for the purpose of intermittent fumigation etc.; that the second party cannot be considered as a workman under any circumstances and the second party is not a workman as per the definition of any labour laws and under Section 25 of the I.D. Act and hence the claim of the second party is liable to be dismissed with cost.

3. (b) It is submitted by the first party that the Central Warehousing Corporation is a Govt. of India undertaking functioning under the Ministry of Food, incorporated under the Act of Parliament; that the Corporation has its own recruitment rules and service conditions duly approved by the Government and notified in the Gazette of India; that the services of the employees of the Corporation are governed by these recruitment rules and service conditions; that the second party workman was not engaged by the Corporation either as a daily-rated or as a casual worker; that as the second party was not engaged by the Corporation and hence the question of terminating her services does not arise; that there was no employer-employee relationship between the claimant and the Corporation; that the provisions of Industrial Disputes Act are not attracted and the question of her reinstatement does not arise.

3. (c) The first party Corporation has further stated that it has been ascertained from the old records that the second party was engaged as a labour mukadam intermittantly to attend purely casual and unanticipated work; that the second party was never engaged by the Corporation in the capacity of employee as per the rules of the Corporation. It is submitted by the first party that the second party was a petty contractor supplying casual labourers to the first party for the purpose of carrying out only purely casual and unanticipated work on casual basis i.e. intermittent fumigation work etc.; that the necessary documentary evidence may be produced by the first party at the time of evidence if required by the Hon'ble Tribunal at the time of the hearing of this case. The first party has prayed that the statement of claim made by the second party may not be entertained being baseless and unjustified and the reference is liable to be dismissed with cost.

4. Vide Ex. 10 the second party workman Smt., Manjulaben K. Parmar has submitted an application on 25-9-99 stating that wage registers or vouchers pertaining to the year 1993—1995 and the agreement between the second party and the first party, if any, be produced before this Court. A copy of this application for production of documents is received by the first party and an endorsement is made to that effect on the application Ex. 10. It is pertinent to note here that the learned Advocate, who is on record of this case, has not signed this application Ex. 10, but it has been submitted under the signature of the second party workman herself. It is also pertinent to note here that no order is passed on this application Ex. 10.

5. The first party has produced the documents called for by the second party workman vide Ex. 15. A copy of this production application Ex. 15 alongwith copies of the documents are received by the second party workman and an endorsement is made to that effect by the learned Advocate of the second party workman on 30-4-99. There is also another endorsement made on Ex. 15 on 21-1-2000;

सीरीयल नं. १ थी २८ नवम्बर १९९९ बाध न
भावे नम बाड पाठवा साथे वधि १०४

That it is found that the application Ex. 15 is dated 12-4-99 while the two different endorsements made on this application on two different dates namely 30-4-99 & 21-1-2000 respectively by two different signatories. As desired by the second party workman, all the vouchers produced by first party vide Ex. 15 are exhibited. It is found that as all the documents called for by the second party workman are produced by the first party. The second party workman has not pressed for any order below Ex. 10.

6. (a) Thereafter Smt. Manjulaben Keshavlal Parmar, the concerned workman has been examined on oath vide Ex. 16 and she has stated in her examination-in-chief that she has worked with the first party Corporation for seven years as a labourer and her working hours were from 9.45 in the morning to 6.00 in the evening; that she has worked as a packer, cleaner and fumigator etc.; that her work was of permanent nature; that she was being paid by the Corporation; that she was being instructed by one J. T. A. Sahib; that J. T. A. Sahib was supervising her work; that she was not given any identity card or wage slip; that in the beginning she was paid Rs. 10 per day and thereafter she was being paid Rs. 15, and thereafter Rs. 20; that when she went to work on 3-4-95, the Manager declined to give her work; that she was not given any reason for not giving her work; that she was not given any notice or notice pay or compensation at the time of her termination; she has stated that it is not true that she was working under the contractor; she has further stated that it is not true that she was working as a contractor or permanent labourer from outside; she has further stated in her chief examination that the type of work she was doing is being continued by another two ladies and that out of which one lady's name is Santokben. She has further stated that she has worked continuously for seven years; that she was getting leave whenever the first party declared leave; that she has not found any other job.

(b) The learned Advocate for the first party has cross-examined the second party Smt. Manjulaben Keshavlal Parmar. In her cross-examination she has stated that it is not true that she was going to the first party Corporation only during season to clean rice and wheat. She has further stated that she was working as a dust operator; that there are 15 godowns and that there were four persons working with her and that three persons were from the first party

Corporation; that Ratansinh, Chauhan and Kantibhai were from the first party Corporation and that she was the only lady and that four of them were paid by the office and that they were paid by 30th of each month; that she was being paid on stamped paper, while the other three persons were paid by the office along with other workers of the office; that she was being paid only for the days on which she was working and that she was paid in this way from 1978 to 1995. She has identified her signatures on vouchers produced by the first party and which were exhibited as Ex. 17 to 44.

6(c) She has admitted in her cross-examination that she has gone to work with the first party not in response to any advertisement. She has further admitted that she had not applied for the job and that her interview was not conducted and that she has not received any appointment order. She has further admitted that from 1978 to 1995 she has not given any written complaint. She has further stated in her cross-examination that she was receiving sometimes Rs. 270 and sometimes Rs. 250 by way of daily wage @ Rs. 10 per day; that she was working under the instruction of Shri J. T. O. Sahib and doing the work of fumigation etc. She has stated that she was working for 17 years, but during that time she has never gone to the Court. She has admitted that it is true that she has not signed in the books of Central Warehousing Corporation, where as she was being paid by the Central Warehousing Corporation.

7. The second party has closed her evidence vide Ex. 45.

8. The learned advocate for the first party has submitted a purshis stating that they do not want to lead any oral evidence in the matter.

9. Vide Ex. 48, the learned advocate for the second party workman has submitted her written arguments.

10. Thereafter there are some adjournment applications and vide Ex. 50 on 13-8-01 the learned advocates for the second party workman has submitted a purshis stating that they do not want to orally argue the case as they have submitted their written arguments in the matter. Thereafter the learned advocate for the first party Corporation was heard.

11. I have gone through the records and papers of the case and have considered the arguments of both the parties written as well as oral and find that this reference is required to be rejected, in view of the fact that the second

party workman has failed to establish her case; that she was employed by the first party Corporation and that she was a permanent employee doing the work of a permanent nature. From the documentary evidence produced by the first party and also from the oral evidence produced by the second party workman, it is found that the second party workman was doing temporary work of a casual nature as and when required by the first party Corporation. The second party workman has also failed to establish that she has worked continuously for 240 days in any year with first party Corporation. It is found from the perusal of the documentary evidence produced by the first party Corporation that she was working as a casual worker and she was being paid daily wages. It is the duty of the second party workman to prove her case as per her statement of claim before this Tribunal. It is found that she has admitted in her cross-examination that she was paid daily wages of Rs. 10 and later on Rs. 15 on the days on which she was working. She has further admitted in her cross-examination that she has not applied to the first party Corporation and that she has not been interviewed by the first party Corporation and that she has not received any appointment letter from the first party Corporation on appointing her on any permanent post. It is the case of the first party Corporation that the second party was doing contingent work and was being paid on voucher for the days on which she was doing such contingent work. While it is the case of the second party workman that she was working for the first party Corporation and was doing work of a permanent nature. From the perusal of the records and papers, it is found that the second party workman was doing casual work and that her work was not of a permanent nature and that she was not appointed by the first party Corporation on any permanent post and therefore the question of terminating services with effect from 3-4-95 by the first party Corporation does not arise in considered opinion. In this view of the matter and under the facts and circumstances of the case as discussed hereinabove I pass following order.

ORDER

The reference stands dismissed. The workman Smt. Manjulaben Keshavlal Parmar is not entitled to any relief. No order as to cost.

Ahmedabad,
Dated Sept., 2001

N. J. SHELAT, Industrial Tribunal